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General Assembly
Sixty-first session
Agenda item 13
The situation in the Middle East

Security Council
Sixty-first year

Identical letters dated 11 December 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you hereinafter a statistical summary of Israeli violations committed from 1 to 7 December 2006 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-first session of the General Assembly, under agenda item 13, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

06-65641 (E) 131206 131206

Annex to the identical letters dated 11 December 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities carried out from 1 to 7 December 2006

Air violations

Between 0800 and 0922 hours on 1 December 2006 an Israeli enemy warplane flew at extremely high altitude over Tebnine and Jabal Maroun (north-west of Borj Qalaouay), thus violating Lebanese airspace.

Between 0805 and 1105 hours on the same day, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre and circling over the South region, then left over Al-Naqoura.

Between 1054 and 1405 hours on the same day, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Al-Bayada and circling over the South region, then left over Al-Naqoura.

Between 1405 and 1705 hours on the same day, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Aalma al-Chaab and circling over the South region, then left over the sea off Al-Naqoura.

Between 1015 and 1645 hours on 3 December 2006, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the occupied Shab`a Farms, heading in the direction of the Bekaa and circling over the Riyaq area, then left over Kfar Chouba.

Between 0940 and 1320 hours on 4 December 2006 an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre and circling over the South region, then left over Aalma al-Chaab.

Between 2010 and 2235 hours on the same day, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre and circling over the South region, then left over Aalma al-Chaab.

At 2305 hours on the same day, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre and circling over the South region, then left over Al-Naqoura at 0200 hours on 5 December 2006.

Between 0700 and 1400 hours on 5 December 2006 an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Aalma al-Chaab heading north and circling over Riyaq and the South.

Between 0720 and 1015 hours on the same day, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Aalma al-Chaab heading north and circling over the southern regions, whereupon it left over Al-Naqoura.

Between 0904 and 1247 hours on 6 December 2006, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre heading east and circling over the southern regions, after which it departed over Aalma al-Chaab.

Between 0910 and 1000 hours on 7 December 2006, an Israeli enemy reconnaissance aircraft overflew the Blida region, thus violating Lebanese airspace.

At various intervals between 1100 and 1310 hours on the same day, Israeli enemy military aircraft overflew the regions of Bent Jbail, Tebnine and Al-Naqoura, thus violating Lebanese airspace.

Between 1600 and 1850 hours on the same day, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Al-Naqoura and circling over the South region, the left over Al-Naqoura.

Between 1615 and 1920 hours on the same day, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre and circling over the South region, then left over Al-Naqoura.

Sea violations

None.

Other Israeli activities

At 0920 hours on 1 December 2006, in the open sea off Ra's Al-Naqurah, an Israeli enemy gunboat fired a number of rounds of medium-weapons fire over occupied Palestinian territorial waters.

At 0959 hours on 3 December 2006, a bulldozer, a concrete mixer and two pick-up trucks belonging to the Israeli enemy were observed performing fortification work at their position at Dahr al-Jamal (opposite the Lebanese town of Ramiye) within occupied Palestinian territory, accompanied by an Israeli Hummer vehicle.

At 1015 hours on the same day, an explosion was heard within occupied Palestinian territory opposite Ra's Al-Naqurah. The reasons for it were not known.

At 1115 hours on 4 December 2006, an explosion was heard within occupied Palestinian territory opposite Ra's Al-Naqurah. The reasons for it were not known.

At 1720 hours on the same day, an Israeli enemy warplane flew at high altitude over the occupied Palestinian territory opposite the town of Aaita al-Chaab, releasing hot-air balloons.

At 1014 on 6 December 2006, Israeli enemy forces strafed the area around their position within occupied Palestinian territory (opposite Labboune) with medium-weapons fire.

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Security Council
Sixty-first year

The situation in the occupied territories of Azerbaijan

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the so-called "constitutional referendum" of the illegal military regime in the occupied Nagorno-Karabakh region of the Republic of Azerbaijan (see annex).

I should be grateful if the present letter and its annex were distributed as a document of the sixty-first session of the General Assembly, under agenda items 17 and 27, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

06-65876 (E) 151206

Annex to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Statement of the Ministry of Foreign Affairs of the Republic of Azerbaijan

The illegal military regime established by the Republic of Armenia in the occupied Nagorno-Karabakh region of the Republic of Azerbaijan intends, according to the reports circulated by the Armenian media, to hold a so-called "constitutional referendum" on 10 December 2006.

This act violates the Constitution of Azerbaijan, as well as relevant norms and principles of international law, and interferes with an ongoing peace process. The so-called "referendum" and its results shall have no legal effect and shall not mislead the international community, which is well aware of the occupation and appalling ethnic cleansing carried out by the Armenian armed forces against Azerbaijani population in the Nagorno-Karabakh region and other occupied territories of Azerbaijan.

Any constitutional document envisaging a self-rule for the population of the Nagorno-Karabakh region can only be elaborated through a legal, democratic and peaceful process with a full, equal and direct participation of the entire population of the region consisting of the Armenian and Azerbaijani communities.

Azerbaijan shall never accept such illegal acts of the Armenian side, which are based on notorious practice of fait accompli and fully contradict the ongoing efforts to bring durable peace and stability to the region.

Baku, 2 December 2006

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The situation in the occupied territories of Azerbaijan

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the address by Elmar Mammadyarov, Minister for Foreign Affairs of the Republic of Azerbaijan, and the statement on Nagorno-Karabakh by the Organization for Security and Cooperation in Europe Chairman-in-Office made at the 14th meeting of the OSCE Ministerial Council, held in Brussels on 5 December 2006 (see annexes I and II).

I should be grateful if the present letter and its annexes were distributed as a document of the sixty-first session of the General Assembly, under items 17 and 27, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

06-65791 (E) 181206

Annex I to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Address by Elmar Mammadyarov, Minister for Foreign Affairs of the Republic of Azerbaijan
14th meeting of the Ministerial Council of the Organization for Security and Cooperation in Europe
Brussels, 5 December 2006

First, I would like to join other speakers in extending appreciation to Minister Karel de Gucht for the work done by the Belgian OSCE Chairmanship throughout this year. I am also pleased to welcome my Spanish colleague, Minister Miguel Ángel Moratinos, as the incoming Chairman-in-Office and wish him every success in fulfilling this important and responsible task.

We believe that the key purpose of reforms within our Organization is to strengthen its effectiveness in solving the most urgent problems of the participating States. Failure to implement its own decisions seriously undermines credibility of the OSCE in the eyes of its members and affects negatively its stance in the global arena.

Regrettably, this year too was marked by a number of appalling incidents related to discrimination, racism, xenophobia, hate speech and other manifestations of intolerance, particularly against Muslims, in some of the participating States. Such negative phenomena in the OSCE area violate human rights and fuel tensions globally. As the Chairman of the Ministerial Council of the Organization of the Islamic Conference, Azerbaijan calls on the OSCE participating States to undertake concrete measures to combat this phenomena through the promotion of tolerance and overcoming of ignorance about Islam.

In this regard we support educational institutions for learning and teaching of Islam, its principles and philosophy, as one of the efficient instruments in fighting Islamophobia, particularly in Europe, and promoting mutual understanding and respect between various confessions.

To provide our own input to this important process, in 2007 we plan to host in Baku under the OIC aegis an international conference on the role of mass media in developing tolerance and mutual understanding. We invite the relevant OSCE structures as well as OSCE participating States to actively contribute to this event.

The outcomes of the meetings on economic and environmental dimension, held in Dushanbe, Vienna, Baku and Prague, demonstrated strong interest of participating States to transport-related issues. Azerbaijan is contributing to the development of transport networks throughout the OSCE area, actively participating in the activities of OSCE, GUAM and other bodies, and currently implementing joint large-scale projects with our neighbours and partners – Georgia and Turkey. At the same time,

topics of the next Economic and Environmental Forum, namely land degradation, soil contamination and water management, are of direct interest for Azerbaijan. We face many problems in this field, especially in the conflict zone.

We view the UN General Assembly resolution-sponsored OSCE-led Environmental Assessment Mission to the fire-affected territories of Azerbaijan as a good example of rapid and effective practical reaction to an urgent and complex problem faced by a participating State. We request the Chairman-in-Office to submit the Mission's Report to the UN General Assembly and its Member-States, and call on the organizations and programmes of the United Nations system to launch a joint process of preparation for a long-term Environmental Operation in the fire-affected lands as it is envisaged by the UNGA resolution.

To my deep regret, I still cannot extend the same level of enthusiasm to the whole process of settlement of the conflict between Armenia and Azerbaijan. Despite increased activity demonstrated throughout this year by the OSCE Minsk Group Co-Chairmen, the OSCE Chairman-in-Office and the parties involved we have not yet achieved the irreversible solution.

There is no alternative to finding solution in the framework of territorial integrity of Azerbaijan. At the appropriate stage of the settlement process it will be possible to discuss this issue by the whole population of the Nagorno-Karabakh region of Azerbaijan. Proceeding from the standards of democracy, rule of law and human rights, we believe that process of definition of a status shall take place on an equal basis, with direct and full participation of entire population of the region, which are both Armenian and Azerbaijani communities.

Therefore, Azerbaijani population should return in safety and dignity to their places of origin in the Nagorno-Karabakh region. This will be followed by opening of the communications for the mutual use by both sides in two directions, restoration of inter-communal relations and normal life in the region, cooperation between two communities in the humanitarian sphere, implementation of the special programs on education and tolerance, establishment more trust between people and nations.

To reach that point it is necessary to ensure complete withdrawal of Armenian troops from the occupied territories of Azerbaijan. The territories cannot be held as hostages, this will be counterproductive to the settlement process and further aggravate the situation. There is a better way to guarantee security of population and irreversibility of settlement than delaying the withdrawals, which is letting population of both communities inside the region to engage in constructive cooperation, guaranteed by a special Interim Arrangement and supported by the Governments of Azerbaijan and Armenia.

Unfortunately, the sincerity of Armenian negotiators is questioned by such clear provocations as a declared intention of Armenian separatists to hold a so-called "*constitutional referendum*" in the occupied Nagorno-Karabakh. This is yet another

unconstructive step taken by Armenian side in its attempt to consolidate and camouflage the results of its illegal activities. Azerbaijan shall never accept such illegal acts of the Armenian side, which are based on notorious practice of fait accompli and fully contradict the ongoing efforts to bring durable peace and stability to the region.

In conclusion, please allow me to say that we particularly appreciate active personal involvement of distinguished Minister De Gucht in the conflict settlement processes in the South Caucasus and shall be ready to welcome the same level of engagement of distinguished Mr. Moratinos as the next Chairman-in-Office.

And finally, I would like to reiterate our support to Kazakhstan's bid to assume the OSCE Chairmanship in 2009 and hope for a positive decision on this issue. Such step, in our belief, will strengthen the sense of responsibility and ownership of our Organization among the states east of Vienna, and will serve as recognition of their contribution to its activities.

Annex II to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Organization for Security and Cooperation in Europe
Ministerial Council
Brussels 2006

Statement on Nagorno-Karabakh

We are encouraged that negotiations in 2006, facilitated by the Co-Chairs of the OSCE Minsk Group and supported by the OSCE Chairman-in-Office, have brought the sides closer to agreement on the basic principles for the resolution of the Nagorno-Karabakh conflict.

We welcome the support of the leaders of the G8 to these efforts, expressed at the G8 Summit in St. Petersburg in July.

We urge the Presidents of Armenia and Azerbaijan to redouble their efforts in the coming year to finalize these basic principles as soon as possible.

We call on the sides, with the assistance of the international community, to extend cooperation to conduct an environmental operation to suppress the fires in the affected territories and to overcome their detrimental consequences. These measures can constitute significant steps towards restoring confidence between the sides. The OSCE is available to assist.

We also express our continuing support for the Personal Representative of the OSCE Chairman-in-Office and his mission to the region, and particularly for their efficient assistance to the Environmental Assessment Mission and for their ongoing monitoring of the ceasefire. We regret that incidents along the front lines continue occasionally to result in loss of life and call on both sides to adhere strictly to the ceasefire.

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The situation in the occupied territories of Azerbaijan

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the reaction of the international community to the so-called "constitutional referendum" held on 10 December 2006 in the occupied Nagorny-Karabakh region of the Republic of Azerbaijan (see annexes I-V).

Such respected organizations as the Organization for Security and Cooperation in Europe (OSCE), Council of Europe and the European Union specifically underlined that the "referendum" would not be recognized and could not have any legal validity.

The OSCE Minsk Group Co-Chairs emphasized that no member of the international community — including the Co-Chair countries — recognized the so-called "Nagorno-Karabakh Republic" as an independent state.

The Ministry of Foreign Affairs of Latvia considered the "constitutional referendum" illegitimate and did not recognize its results.

I should be grateful if the present letter and its annexes were distributed as a document of the sixty-first session of the General Assembly, under agenda items 17 and 27, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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Annex I to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Organization for Security and Cooperation in Europe

Press release

OSCE Chairman concerned over constitutional referendum in Nagorno-Karabakh

BRUSSELS, 11 December 2006 - The OSCE Chairman-in-Office, Belgian Foreign Minister Karel De Gucht, said today that the OSCE will not recognize the referendum on a draft constitution held in Nagorno-Karabakh on Sunday.

"Such a referendum is counter-productive to the ongoing conflict settlement process, which has recently shown visible progress, as acknowledged by the parties," said Minister De Gucht.

Referring to a statement on Nagorno-Karabakh made at last week's 14th OSCE Ministerial Council in Brussels, he said: "We do not welcome a move that could jeopardize progress made at this promising juncture."

He also referred to today's statement by the Co-Chairs of the OSCE Minsk Group, saying: "A reason not to recognize this referendum is that no member of the international community recognizes the so-called Nagorno-Karabach republic as an independent state."

The OSCE Minsk Group is co-chaired by France, Russia and the United States.

Annex II to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Press release — 771 (2006)

Council of Europe Secretary General Terry Davis on the voting in Nagorno-Karabakh

Strasbourg, 09.12.2006: This Sunday's vote organised by the 'de facto' authorities of Nagorno-Karabakh cannot have any legal validity. It will not be recognised by the international community and is therefore of no consequence.

A lasting solution for Nagorno-Karabakh can only come out of the political process facilitated by the Minsk Group. Any future solution must respect human rights, and if it is submitted to popular consultation, the vote must be free and fair and open to everyone.

The main responsibility for the settlement is with the political leadership of Armenia and Azerbaijan and especially President Kocharian and President Aliyev. This is one of the accession commitments of both Armenia and Azerbaijan to the Council of Europe.

Annex III to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Declaration by the Presidency on behalf of the European Union on the "constitutional referendum" in Nagorno Karabakh on 10 December 2006

Press release 621/2006
11 December, 2006

The European Union is aware that a "constitutional referendum" has taken place in Nagorno Karabakh on 10 December 2006. The EU recalls that it does not recognize the independence of Nagorno Karabakh. It recognizes neither the "referendum" nor its outcome.

The EU reiterates its firm support to the OSCE Minsk Group and its Co-Chairmen, and their efforts towards a settlement of the Nagorno Karabakh conflict. The EU considers that conducting such a "referendum", thus pre-empting the outcome of the ongoing negotiations, did not contribute to constructive efforts at peaceful conflict resolution. It calls on all parties to the conflict to intensify their efforts to find a negotiated solution to the conflict.

The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey, Croatia* and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Serbia and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this declaration.

* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.

Annex IV to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Statement of the Minsk Group Co-Chairs on the December 10 referendum in Nagorno-Karabakh

The OSCE Minsk Group Co-Chairs took note that the authorities of Nagorno-Karabakh held a referendum on December 10 on a draft "constitution" of the so-called "Nagorno-Karabakh Republic," which no member of the international community – including the Co-Chair countries – recognizes as an independent state. The Co-Chairs do not believe that such a referendum will contribute to a negotiated settlement of the Nagorno-Karabakh conflict. Any future legal status of Nagorno-Karabakh should be determined without the threat or use of force and only as the result of political negotiations between all parties in the framework of the Minsk Process. Conducting such a referendum now, thus preempting the final legal status of Nagorno-Karabakh, rather than forging a compromise is particularly unhelpful at a moment when the OSCE Minsk Group-mediated negotiations between Armenia and Azerbaijan appear to be on a constructive path. The Co-Chairs expect that the results of this referendum, which are not internationally recognized, will have no negative effect on emerging prospects for an agreement between the sides on basic principles for the settlement of the conflict.

Annex V to the letter dated 11 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Original: Russian]

The Ministry of Foreign Affairs does not recognize the results of the so-called "constitutional referendum" held in Nagorny Karabakh

The Ministry considers that the "referendum" on the draft constitution held on 10 December 2006 in Nagorny Karabakh has no legitimacy and runs counter to the rules of international law. Latvia does not recognize the results of this "constitutional referendum".

The Ministry once again affirms its support for efforts by the Organization for Security and Cooperation in Europe (OSCE) and the Minsk Group and stresses the need to find ways of reaching a peaceful settlement of the conflict in Nagorny Karabakh. The Ministry is of the view that the conflict in Nagorny Karabakh can only be settled on the basis of the universally accepted rules and principles of international law, including the sovereignty of States and territorial integrity.

Latvia points out that the organization of this "referendum" is not conducive to finding a peaceful settlement of the conflict in Nagorny Karabakh.

11 December 2006

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Agenda item 108 (a)
Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the African Union

Letter dated 11 December 2006 from the Secretary-General addressed to the President of the General Assembly

I wish to apprise you of the Secretariat's efforts relating to the implementation of General Assembly resolution 60/1 (2005 World Summit Outcome), in which Member States broadly addressed themselves to meeting the special needs of Africa and agreed to the development and implementation of a 10-year plan for capacity-building with the African Union.

In furtherance of the 2005 World Summit Outcome, Mr. Alpha Oumar Konaré, the Chairperson of the African Union Commission, and I signed in Addis Ababa, on 16 November 2006, a Declaration entitled "Enhancing UN-AU Cooperation: Framework for the Ten-Year Capacity-Building Programme for the African Union" (see annex). The signing of the Declaration was the outcome of extensive consultations between the African Union Commission and United Nations agencies and departments. The United Nations side included the Economic Commission for Africa, the Department of Political Affairs, the Department of Peacekeeping Operations, the Office of the Special Adviser for Africa and other United Nations field presences at the African Union (AU).

The Declaration builds on previous agreements between the United Nations and the African Union and the Organization of African Unity before it. It reflects the common commitment of the United Nations and the African Union to maintaining peace and human security, promoting human rights and post-conflict reconstruction and advancing Africa's development and regional integration. Finally, it provides a holistic framework for United Nations system-wide support to the capacity-building efforts of the AU Commission and African subregional organizations (the regional economic communities).

Both sides have agreed on strategic priorities and political aspects of the United Nations-African Union relationship within the framework of the 10-year programme of cooperation, based on African Union priorities and United Nations comparative advantage. They also determined United Nations programmatic

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priorities and goals with respect to United Nations interaction with the African Union, including, but not limited to, capacity-building.

Members of the United Nations team also agreed on United Nations representation at the African Union and coordination of United Nations assistance to the African Union. I should like to inform you that, on that occasion, Mr. Konaré, while welcoming existing United Nations-African Union cooperation, expressed very strong views about the need for the United Nations and other partners to act in ways that would enhance and promote African integration, including by helping the AU Commission to become a "real executive body". Mr. Konaré emphasized that if the African Union had the capacity to undertake certain tasks on the African continent, it would unburden the United Nations.

I should like to draw your attention to the fact that United Nations-African Union cooperation within the framework of the 10-year capacity-building programme covers a much broader spectrum than that which existed between the United Nations and the defunct Organization for African Unity. As the scope of AU activities has increased, so have the needs for United Nations assistance. For the objectives outlined in the Addis Ababa Declaration to be achieved, adequate funding will be essential. In this context, I would like to solicit your support and that of the General Assembly as a whole for its endorsement and the legislative authority for its implementation. I would also like to request the Assembly to consider providing, as needed, additional resources that may be required by the Secretariat and other United Nations agencies engaged with the African Union in the fulfilment of the objectives defined by the World Summit with respect to meeting the special needs of Africa.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly.

(*Signed*) Kofi A. **Annan**

Annex

DECLARATION

ENHANCING UN-AU COOPERATION: FRAMEWORK FOR THE TEN-YEAR CAPACITY BUILDING PROGRAMME FOR THE AFRICAN UNION

We, the Secretary-General of the United Nations and the Chairperson of the Commission of the African Union, united in our commitment to the maintenance of international peace and security and the enhancement of development on the African continent, and desiring, for that purpose, to develop stronger relationship between our two organizations by establishing a basis for expanding and strengthening consultations and cooperation between our respective secretariats, have agreed to the following in furtherance of the Cooperation Agreement between the United Nations and the Organization of African Unity of 9 October 1990.

1. In view of the persistent needs of the African Union to address the peace and security situation in Africa, we underscore the importance of cooperation between the United Nations (UN) and the African Union (AU) in promoting international peace and security on the African continent, especially programmes and activities that take into account the special needs of Africa, which was reaffirmed by the 2005 World Summit Outcome. To this end, cognizant of the grave toll conflict is taking in many parts of Africa, we undertake to focus our efforts, with priority, on conflict prevention, mediation and good offices, peacekeeping and peacebuilding. We have together identified key areas for collaboration in these sectors so to build the capacity of the African Union and ensure that our organizations work effectively together to meet the challenges to peace and security in Africa.

2. Bearing in mind the wide range of fundamental challenges facing Africa, and pursuant to the World Summit Outcome, we further undertake to deepen and broaden the cooperation between our two organizations, as appropriate, through consultations between us and senior officials, and talks at the staff level, as well as through the implementation of the projects/programmes within the context of the evolving Framework for the Ten Year Capacity Building Programme for the African Union (the Framework). We reiterate that the evolving Framework should be conceived as the UN overall strategic framework for cooperation with the AU, and whose main objective should be to enhance the capacity of the AU Commission and African subregional organizations to act as effective UN partners in addressing the challenges to human security in Africa, focusing on the areas described in paragraph 6 below.

3. We reaffirm that the evolving Framework should cover all aspects of the cooperation between the UN and the AU, including but not limited to the following areas: peace and security (including crime prevention); assistance in institution building, and political and electoral matters; peacekeeping operations; governance, human rights and the rule of law; peace-building; humanitarian response, recovery and food security; social, cultural, and health issues; and the environment.

4. We recognize that the ongoing cooperation between the AU and the organizations of the UN system at the AU headquarters is the operational component of the evolving Framework.

5. We agree to align the support of the organizations of the UN system for New Partnership for Africa's Development (NEPAD) with the evolving Framework.

6. Our cooperation will continue to develop in a practical fashion, taking into account each organization's specific expertise and capabilities, and contributing to improving collaboration among all elements of the international community's response to the challenges on the African continent. We are also prepared to share best practices and lessons learned. In the context of the evolving Framework, we agree to give special emphasis to enhancing the AU's capacities in the following areas:

a) Institution-building, human resources development and financial management;
b) Peace and security;
c) Human rights;
d) Political, legal and electoral matters;
e) Social, economic, cultural and human development;
f) Food security and environmental protection.

7. We agree that existing cooperation arrangements between the organizations of the UN system and the AU will continue. In addition, new cooperation projects/programmes, as well as long-term partnership arrangements with the AU and the African sub-regional organizations, should be designed within/in the context of the evolving Framework and should be consistent with their specific mandates and area of competence.

8. We undertake to implement the ongoing and envisaged UN-AU cooperation programmes on the basis of the evolving Framework, the detailed Joint African Union-United Nations Action Plan for United Nations Assistance to the African Union Peacekeeping Capacity Building and all subsequent sectoral action plans.

9. We agree to periodically review the evolving Framework at three-year intervals.

Done at Addis Ababa, on 16 November 2006.

Kofi A. Annan
Secretary-General of the United Nations

Alpha Oumar Konaré
Chairperson of the African Union Commission

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Agenda item 115

Financial reports and audited financial statements, and reports of the Board of Auditors

Report of the Fifth Committee

Rapporteur: Mr. Diego **Simancas** (Mexico)

I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-first session, and to allocate to the Fifth Committee, the item entitled:

"Financial reports and audited financial statements, and reports of the Board of Auditors:

"(a) United Nations;

"(b) United Nations Development Programme;

"(c) United Nations Children's Fund;

"(d) United Nations Relief and Works Agency for Palestine Refugees in the Near East;

"(e) United Nations Institute for Training and Research;

"(f) Voluntary funds administered by the United Nations High Commissioner for Refugees;

"(g) Fund of the United Nations Environment Programme;

"(h) United Nations Population Fund;

"(i) United Nations Human Settlements Programme;

"(j) Fund of the United Nations International Drug Control Programme;

"(k) United Nations Office for Project Services;

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"(l) International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991;

"(m) International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;

"(n) Capital master plan".

2. The Fifth Committee considered the item at its 4th and 31st meetings, on 11 October and 12 December. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/61/SR.4 and 31).

3. For its consideration of the item, the Fifth Committee had before it the following documents:

(a) Financial reports and audited financial statements for the biennium ended 31 December 2005, and report of the Board of Auditors on the United Nations,[1] the International Trade Centre UNCTAD/WTO,[2] the United Nations University,[3] the United Nations Development Programme,[4] the United Nations Children's Fund,[5] the United Nations Relief and Works Agency for Palestine Refugees in the Near East,[6] the United Nations Institute for Training and Research,[7] the voluntary funds administered by the United Nations High Commissioner for Refugees,[8] the Fund of the United Nations Environment Programme,[9] the United Nations Population Fund,[10] the United Nations Human Settlements Programme,[11] the Fund of the United Nations International Drug Control Programme,[12] the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[13] and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991;[14]

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[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 5* (A/61/5), vol. I.
[2] Ibid., vol. III.
[3] Ibid., vol. IV.
[4] Ibid., *Supplement No. 5A* (A/61/5/Add.1).
[5] Ibid., *Supplement No. 5B* (A/61/5/Add.2).
[6] Ibid., *Supplement No. 5C* (A/61/5/Add.3).
[7] Ibid., *Supplement No. 5D* (A/61/5/Add.4).
[8] Ibid., *Supplement No. 5E* (A/61/5/Add.5).
[9] Ibid., *Supplement No. 5F* (A/61/5/Add.6).
[10] Ibid., *Supplement No. 5G* (A/61/5/Add.7).
[11] Ibid., *Supplement No. 5H* (A/61/5/Add.8).
[12] Ibid., *Supplement No. 5I* (A/61/5/Add.9).
[13] Ibid., *Supplement No. 5K* and corrigendum (A/61/5/Add.11 and Corr.1).
[14] Ibid., *Supplement No. 5L* and corrigendum (A/61/5/Add.12 and Corr.1).

(b) Note by the Secretary-General transmitting the concise summary of principal findings and conclusions contained in the reports prepared by the Board of Auditors for the General Assembly at its sixty-first session (A/61/182);

(c) Report of the Secretary-General on the first report on the implementation of the recommendations of the Board of Auditors on the accounts of the United Nations for the financial period ended 31 December 2005 (A/61/214);

(d) Report of the Secretary-General on the implementation of the recommendations of the Board of Auditors on the financial statements of the United Nations funds and programmes for the financial period ended 31 December 2005 (A/61/214/Add.1);

(e) Report of the Advisory Committee on Administrative and Budgetary Questions on the financial reports and audited financial statements and reports of the Board of Auditors for the period ended 31 December 2005 (A/61/350).

4. At the 4th meeting, on 11 October, the Director of External Audit of the Philippines and Chairman of the Audit Operations Committee of the Board of Auditors introduced the reports of the Board (see A/C.5/61/SR.4).

II. Consideration of draft resolution A/C.5/61/L.12

5. At its 31st meeting, on 12 December, the Committee had before it a draft resolution entitled "Financial reports and audited financial statements, and reports of the Board of Auditors" (A/C.5/61/L.12), submitted by the Chairman of the Committee on the basis of informal consultations coordinated by the representative of Egypt.

6. At the same meeting, the Committee adopted draft resolution A/C.5/61/L.12 without a vote (see para. 7).

III. Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financial reports and audited financial statements, and reports of the Board of Auditors

The General Assembly,

Reaffirming its resolutions 50/222 of 11 April 1996, 51/218 E of 17 June 1997, 52/212 B of 31 March 1998, 53/204 of 18 December 1998, 53/221, section VIII, of 7 April 1999, 54/13 B of 23 December 1999, 55/220 A of 23 December 2000, 55/220 B and C of 12 April and 14 June 2001, 57/278 A of 20 December 2002 and 60/234 A of 23 December 2005 and 60/234 B of 30 June 2006,

Having considered, for the period ended 31 December 2005, the financial reports and audited financial statements and the reports and audit opinions of the Board of Auditors on the United Nations,[1] the International Trade Centre UNCTAD/WTO,[2] the United Nations University,[3] the United Nations Development Programme,[4] the United Nations Children's Fund,[5] the United Nations Relief and Works Agency for Palestine Refugees in the Near East,[6] the United Nations Institute for Training and Research,[7] the voluntary funds administered by the United Nations High Commissioner for Refugees,[8] the Fund of the United Nations Environment Programme,[9] the United Nations Population Fund,[10] the United Nations Human Settlements Programme,[11] the Fund of the United Nations International Drug Control Programme,[12] the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[13] and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,[14] the concise summary of principal findings and conclusions contained in the reports prepared by the Board of Auditors,[15] the reports of the Secretary-General on the implementation of the recommendations of the

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[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 5* (A/61/5), vol. I.
[2] Ibid., vol. III.
[3] Ibid., vol. IV.
[4] Ibid., *Supplement No. 5B* (A/61/5/Add.1).
[5] Ibid., *Supplement No. 5C* (A/61/5/Add.2).
[6] Ibid., *Supplement No. 5D* (A/61/5/Add.3).
[7] Ibid., *Supplement No. 5E* (A/61/5/Add.4).
[8] Ibid., *Supplement No. 5F* (A/61/5/Add.5).
[9] Ibid., *Supplement No. 5G* (A/61/5/Add.6).
[10] Ibid., *Supplement No. 5H* (A/61/5/Add.7).
[11] Ibid., *Supplement No. 5I* (A/61/5/Add.8).
[12] Ibid., *Supplement No. 5J* (A/61/5/Add.9).
[13] Ibid., *Supplement No. 5K* and corrigendum (A/61/5/Add.11 and Corr.1).
[14] Ibid., *Supplement No. 5L* and corrigendum (A/61/5/Add.12 and Corr.1).
[15] See A/61/182.

Board of Auditors on the accounts of the United Nations as well as on the implementation of its recommendations on the financial statements of the funds and programmes of the United Nations for the financial period ended 31 December 2005,[16] and the report of the Advisory Committee on Administrative and Budgetary Questions,[17]

1. *Accepts* the financial reports and audited financial statements and the reports and audit opinions of the Board of Auditors for the above-mentioned organizations;

2. *Approves* the recommendations and conclusions contained in the reports of the Board of Auditors;

3. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[17]

4. *Recalls* the relevant provisions of the Financial Regulations and Rules of the United Nations;[18]

5. *Notes* that the opinion expressed in paragraph 28 of the report of the Advisory Committee on Administrative and Budgetary Questions does not constitute another request by the Advisory Committee for certain specific examinations;

6. *Emphasizes* that the Board of Auditors shall be completely independent and solely responsible for the conduct of the audit;

7. *Decides* to consider further the reports of the Board of Auditors on the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia under the respective items relating to the Tribunals;

8. *Expresses its concern* that the United Nations Office for Project Services was unable to submit its financial statements to the Board of Auditors and thereby prevented the Board from expressing an opinion on the financial statements, and requests the Office to ensure that this situation is not repeated in future;

9. *Notes* that the report of the Board of Auditors on the financial statements of the United Nations Office for Project Services will be submitted to the General Assembly at the first part of its resumed sixty-first session;

10. *Commends* the Board of Auditors for the superior quality of its reports, in particular with respect to its comments on the management of resources and improving the presentation of financial statements;

11. *Recalls* paragraph 12, section VI, of its resolution 57/292 of 20 December 2002 and paragraph 1 of its resolution 58/267 of 23 December 2003;

12. *Encourages* the Secretary-General to take into account the relevant experience of the funds and programmes of the United Nations in the process of replacing the Integrated Management Information System with a next-generation enterprise resource planning system or other comparable system, with a view to properly assessing and taking into account the risks and challenges involved in implementing and maintaining such a system;

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[16] A/61/214 and Add.1.
[17] A/61/350.
[18] ST/SGB/2003/7.

13. *Recalls* paragraph 5, section II, of its resolution 60/283 of 7 July 2006, and requests the Secretary-General to include information on the measures taken to ensure that the United Nations benefits from the experience gained by its funds and programmes in the implementation of a next-generation enterprise resource planning system or other comparable system, as well as proposals to address any potential problem areas;

14. *Welcomes* the information contained in the report of the Board of Auditors and its focus on the implementation of the International Public Sector Accounting Standards in the United Nations system, and emphasizes the importance of appropriate audit coverage on this issue in its future reports;

15. *Requests* the Secretary-General to include, in his report to be submitted to it at the first part of its resumed sixty-first session, information on its decision on the accounting task force and its interaction with other entities that will be affected by the implementation of the International Public Sector Accounting Standards, as well as the status of implementation and outstanding requirements;

16. *Takes note* of the reports of the Secretary-General on the implementation of the recommendations of the Board of Auditors on the accounts of the United Nations as well as on the implementation of its recommendations on the financial statements of the funds and programmes of the United Nations for the financial period ended 31 December 2005;[16]

17. *Reiterates its request* to the Secretary-General and the executive heads of the funds and programmes of the United Nations to ensure full implementation of the recommendations of the Board of Auditors and the related recommendations of the Advisory Committee on Administrative and Budgetary Questions in a prompt and timely manner and to hold programme managers accountable for non-implementation of the recommendations;

18. *Requests* the Secretary-General to provide in his reports on the implementation of the recommendations of the Board on the accounts of the United Nations as well as on the financial statements of its funds and programmes a full explanation for the delays in the implementation of the recommendations of the Board, in particular those recommendations not yet fully implemented which are two or more years old;

19. *Also requests* the Secretary-General to indicate in future reports an expected time frame for the implementation of the recommendations of the Board of Auditors, as well as the priorities for their implementation and the office holders to be held accountable;

20. *Emphasizes* that the forthcoming change of management should not hinder the implementation of the recommendations of the Board of Auditors;

21. *Requests* the Secretary-General, in accordance with paragraph 6 of its resolution 59/264 A of 23 December 2004, to take the necessary measures to make certain that the editing and translation of the reports of the Board of Auditors are completed in a manner that would ensure that they are submitted to the General Assembly in accordance with the six-week rule and thereby enable Member States to have adequate time to consider the large volume of reports prior to the sixty-third session of the Assembly.

United Nations A/61/632

General Assembly

Distr.: General
13 December 2006
English
Original: Spanish

Sixty-first session
Agenda item 120

Administrative and budgetary coordination of the United Nations with the specialized agencies and the International Atomic Energy Agency

Report of the Fifth Committee

Rapporteur: Mr. Diego **Simancas** (Mexico)

I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-first session the item entitled "Administrative and budgetary coordination of the United Nations with the specialized agencies and the International Atomic Energy Agency" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 19th and 31st meetings, on 9 November and 13 December 2006. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/61/SR.19 and 31).

3. For its consideration of the item, the Committee had before it a note by the Secretary-General transmitting the statistical report of the United Nations System Chief Executives Board for Coordination on the budgetary and financial situation of the organizations of the United Nations system (A/61/203 and Corr.1-2).

II. Consideration of draft decision A/C.5/61/L.7

4. At its 31st meeting, on 13 December, the Committee had before it a draft decision submitted by the Chairman entitled "Budgetary and financial situation of the organizations of the United Nations system" (A/C.5/61/L.7).

5. At the same meeting, the Committee adopted draft decision A/C.5/61/L.7 without a vote (see para. 6).

06-65737 (E) 141206

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft decision:

Budgetary and financial situation of the organizations of the United Nations system

The General Assembly takes note of the note by the Secretary-General transmitting the statistical report of the United Nations System Chief Executives Board for Coordination on the budgetary and financial situation of the organizations of the United Nations system.[1]

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[1] A/61/203 and Corr.1-2.

United Nations A/61/633

General Assembly

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Sixty-first session
Agenda items 115, 129 and 130

Financial reports and audited financial statements, and reports of the Board of Auditors

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

First performance report of the International Tribunal for the Former Yugoslavia for the biennium 2006-2007

First performance report of the International Criminal Tribunal for Rwanda for the biennium 2006-2007

Financial reports and audited financial statements and reports of the Board of Auditors for the period ended 31 December 2005

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the first performance reports for the biennium 2006-2007 of the International Tribunal for the Former Yugoslavia (A/61/585) and of the International Criminal Tribunal for Rwanda (A/61/586), as well as the financial report and audited financial statements and reports of the Board of Auditors for the period ended 31 December 2005 of the International Criminal Tribunal for Rwanda (A/61/5/Add.11) and of the International Tribunal for the Former Yugoslavia (A/61/5/Add.12).

06-66032 (E) 141206

2. The performance report of the International Criminal Tribunal for Rwanda reflects a requirement for additional appropriations of $7.4 million gross, resulting from technical adjustments as follows: an increase of $4,432,100 relating to changes in exchange rates and inflation assumptions and an increase of $2,937,200 associated with adjustments to standard costs.

3. The performance report of the International Tribunal for the Former Yugoslavia reflects a requirement for additional appropriations of $21.4 million gross, resulting from technical adjustments as follows: an increase of $15,524,600 relating to changes in exchange rates and inflation assumptions and an increase of $5,912,000 associated with adjustments to standard costs.

4. As indicated in the two reports, in response to General Assembly resolution 59/282 of 13 April 2005, the Secretary-General has submitted a report to the Assembly on conditions of service and compensation for the members of the International Court of Justice and the judges of the Tribunals (A/61/554). Subject to action to be taken by the Assembly at the main part of its sixty-first session on these proposals, any resulting additional requirements would be reflected in the revised appropriation for the biennium 2006-2007 to the Special Accounts for the Tribunals.

5. **The Advisory Committee recommends approval of a revised appropriation for the biennium 2006-2007 in the amount of $326,573,900 gross ($297,146,300 net) to the Special Account for the International Tribunal for the Former Yugoslavia and $277,127,700 gross ($254,757,400 net) to the Special Account for the International Criminal Tribunal for Rwanda.**

6. The Advisory Committee enquired as to progress in the implementation of a number of recommendations of the Board of Auditors concerning the Tribunals. The Committee was informed that implementation of the Board's recommendations concerning the Tribunals was ongoing. **The Committee trusts that progress in implementation of the Board's recommendations will be reported in the context of the next budget submissions for the Tribunals. The Committee will monitor these issues.**

United Nations A/61/634–S/2006/979

General Assembly
Security Council

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14 December 2006

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General Assembly
Sixty-first session
Agenda item 19
Question of Cyprus

Security Council
Sixty-first year

Letter dated 12 December 2006 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, and further to my letter dated 25 October 2006, addressed to you (A/61/542-S/2006/847), I have the honour to draw your attention to new violations of international air traffic regulations and the national airspace of the Republic of Cyprus by military aircraft of the Turkish air force, recorded from 17 October to 1 December 2006.

On 17 and 18 October 2006, one C-160 and one Cougar Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus four times.

On 20, 21 and 24 October 2006, one C-130, one C-160 and one C-235 Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus once.

On 26 October 2006, two C-130 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 27 October 2006, two Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 2 and 3 November 2006, one CN-235, one Cougar and one Bell Turkish military aircraft violated international air traffic regulations six times and the national airspace of the Republic of Cyprus six times.

On 3, 4 and 6 November 2006, one Bell, one Cougar and one Cessna Turkish military aircraft violated international air traffic regulations seven times and the national airspace of the Republic of Cyprus seven times.

On 7 and 8 November 2006, two C-160 and two Cougar Turkish military aircraft violated international air traffic regulations eight times and the national airspace of the Republic of Cyprus eight times.

On 9 November 2006, two CN-235 and two Cougar Turkish military aircraft violated international air traffic regulations six times and the national airspace of the Republic of Cyprus five times.

06-66231 (E) 181206

On 10 and 12 November 2006, two CN-235 and two C-130 Turkish military aircraft violated international air traffic regulations eight times and the national airspace of the Republic of Cyprus eight times.

On 13 November 2006, one B-200, one Bell and one Cougar Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus five times.

On 14 November 2006, one C-130, five NF-5 and one Cougar Turkish military aircraft violated international air traffic regulations seven times and the national airspace of the Republic of Cyprus seven times.

On 15 November 2006, one C-130, four NF-5 and two Cougar Turkish military aircraft violated international air traffic regulations eight times and the national airspace of the Republic of Cyprus eight times.

On 16 November 2006, one C-130, nine NF-5 and one Cougar Turkish military aircraft violated international air traffic regulations 13 times and the national airspace of the Republic of Cyprus 13 times.

On 10, 12, 13 and 14 September 2006, one Cougar and one C-160 Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus five times.

On 17 and 20 November 2006, one C-130 and one Cougar Turkish military aircraft violated international air traffic regulations eight times and the national airspace of the Republic of Cyprus eight times.

On 24 and 25 November 2006, one CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus once.

On 29 November 2006, one C-160 and one Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus once.

On 30 November and 1 December 2006, one C-130 and one CN-235 Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus twice.

On behalf of the Government of the Republic of Cyprus, I strongly protest the aforementioned violations, which, as indicated in our previous communications, blatantly endanger the safety of international civil aviation, contravene international law and air traffic regulations. The violations put at stake the peace and stability of the region, and I call for their immediate cessation. The Government of Turkey should heed the call of the international community, abide by the Charter of the United Nations and respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, thus contributing to the creation of the required conditions for the achievement of a just and viable solution to the Cyprus problem.

I would be grateful if the present letter could be circulated as a document of the sixty-first session of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

United Nations A/61/635

General Assembly

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14 December 2006

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Sixty-first session
Agenda item 117
Programme budget for the biennium 2006-2007

First performance report on the programme budget for the biennium 2006-2007

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the first performance report of the Secretary-General on the programme budget for the biennium 2006-2007 (A/61/593). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarifications.

2. The first performance report on the programme budget for the biennium 2006-2007 reflects adjustments required owing to variations in the rates of inflation and exchange and in standards assumed in the calculation of the initial appropriations. The report also takes into account the additional mandates that the General Assembly and the Security Council have approved since the appropriation of the programme budget, unforeseen and extraordinary items that could not be deferred to the second year of the biennium and decisions of policymaking organs that, in the view of the Secretary-General, are best dealt with in the context of the first performance report. **The Advisory Committee welcomes the quality of the report, which provides adequate technical information and analysis.**

3. The Advisory Committee notes that the content of the performance report under consideration adheres to the Committee's earlier recommendation that the performance report to be submitted in the first year of the biennium should be confined solely to the necessary impact of inflation, variation in rates of exchange and decisions of policymaking organs the implementation of which cannot be deferred to the following biennium.[1] This recommendation was subsequently endorsed by the General Assembly in its resolution 32/212. **The Committee notes that the performance report includes resources for a proposed reclassification.**

[1] See *Official Records of the General Assembly, Thirty-second Session, Supplement No. 8* (A/32/8), para. 14.

06-66082 (E) 141206

The Committee trusts that the Secretariat will limit the first performance report to the parameters referred to above as endorsed by the Assembly.

4. The revised requirements under the expenditure sections amount to $3,911.2 million, an increase of $81.2 million, or 2.1 per cent, over the appropriation level of $3,829.9 million approved by the end of July 2006 as a result of various resolutions of the General Assembly during the course of its resumed sixtieth session. The revised income estimates for the biennium amount to $463.7 million, an increase of $28.9 million, or 6.6 per cent, over the initial estimate of $434.9 million. Consequently, revised net requirements amount to $3,447.4 million, an increase of $52.4 million, or 1.5 per cent, over the appropriated net requirements of $3,395.0 million (see resolutions 60/247 A, 60/281 and 60/283).

5. The Advisory Committee was informed that additional requirements for the biennium 2006-2007 not included in the first performance report would amount to some $302.1 million for requests contained in revised estimates and statements of programme budget implications submitted in response to draft resolutions considered by the Main Committees. If approved, this would bring the total revised requirements for the biennium 2006-2007 to $4,213,271,500 (see annex I).

6. Upon enquiry, the Committee was informed of the status of the contingency fund for the biennium 2006-2007 (see annex II). The level of the contingency fund was approved by the General Assembly in its resolution 59/278 in the amount of $27.2 million. The balance of the fund after the main part of the sixtieth session was $5.0 million, and it was $0.6 million after the resumed sixtieth session. The Committee was informed that no proposals are being considered by the General Assembly at its current session that would be charged to the contingency fund.

7. As can be seen from the table in paragraph 5 of the performance report, the increase of $81,246,800 in expenditures reflects the impact of the following:

(a) Additional requirements of $4,966,400 under unforeseen and extraordinary expenses in respect of peace and security, the International Court of Justice and inter-organizational security measures in accordance with General Assembly resolution 60/249;

(b) Additional requirements of $9,582,000 resulting from decisions of policymaking organs;

(c) Additional requirements of $55,135,800 resulting from changes in exchange rates;

(d) Additional requirements of $18,738,100 due to changes in inflationary assumptions;

(e) Reduced requirements of $7,210,600 due to adjustments to standard salary costs;

(f) Additional requirements of $35,100 related to the reclassification of the post of Chief of the Procurement Service to the D-2 level.

8. The Advisory Committee notes that no adjustment for vacancy rates has been made in the performance report. As indicated in paragraph 27 of the report, while vacancy rates realized as at the date of the preparation of the report exceeded those budgeted, there is a steady downward trend in vacancy rates for both Professional and General Service posts: during the period from January to September 2006,

Professional vacancy rates decreased from 7.6 per cent to 6.1 per cent, and General Service vacancy rates declined from 3.9 per cent to 3.4 per cent. The Secretary-General indicates that should this downward trend materialize, overall realized vacancy rates for the biennium may prove to be below those budgeted. The Committee was provided with vacancy statistics for authorized posts under the regular budget as at 31 October 2006 (see annex III).

9. In paragraph 29 of his report, the Secretary-General deals with the proposed reclassification of the post of Chief of the Procurement Service from D-1 to D-2. The intention to reclassify that post to the D-2 level, with the related amounts to be included in the first performance report, was reported by the Secretary-General in A/60/846/Add.5, paragraph 99. It was stated that the reclassification was necessary to provide the appropriate level of executive direction and management, and that, given the high volume, value and complexity of current procurement activities, the position demanded the management expertise and direction of a Director at the D-2 level. The Advisory Committee was informed that the functions of the post had been classified at the D-2 level by the Office of Human Resources Management. The Committee points out, however, that the General Assembly has not yet endorsed the proposed reclassification.

10. The Advisory Committee recalls that the Secretary-General was authorized, on an experimental basis, a limited discretion for budgetary implementation for the bienniums 2006-2007 and 2008-2009, to enter into commitments up to $20 million in each biennium for positions and non-post requirements for the purpose of meeting the evolving needs of the Organization in attaining its mandated programmes and activities (see resolution 60/283, section III, para. 6). As indicated in paragraph 39 of the first performance report, since the granting of such authorization by the General Assembly in July 2006, no commitments have been made in the context of the experiment at this stage, as the Secretariat is working on establishing criteria for defining evolving needs consistent with the principles set out in resolution 60/283. The Secretary-General indicates that further information related to the implementation of the authorization will be reported in the second performance report for the current biennium. **The Committee trusts that criteria for funding the evolving needs of the Organization will be worked out so as to ensure that the mechanism for financing such needs can be put in place during the biennium 2006-2007.**

11. **The Advisory Committee recommends that the General Assembly approve the revised estimates contained in the Secretary-General's report, subject to such adjustments as may be necessary as a result of its consideration of matters now before it, including the consolidated statement of revised estimates and programme budget implications (see para. 5 above).**

Annex I

Preliminary estimated regular budget appropriation for the biennium 2006-2007 as at 13 December 2006

(Thousands of United States dollars)

Appropriation	
Initial appropriation (resolution 60/247 A)	3 798 912.5
Additional appropriation (resolution 60/281)	26 443.3
Additional appropriation (resolution 60/283)	4 560.4
Subtotal	**3 829 916.2**
First performance report (A/61/593)	
(a) Unforeseen and extraordinary expenses	4 966.4
(b) Decisions of policymaking organs	9 582.0
(c) Exchange rates	55 135.8
(d) Inflation assumptions	18 738.1
(e) Other standards	(7 210.6)
(f) Reclassification of the post of Chief of the Procurement Service	35.1
	81 246.8
Revised estimate	
Special political missions (A/61/525 and Add.1-5)	294 005.1[a]
Investing in people (A/61/255, A/61/537)	5 004.7[b]
	299 009.8
Programme budget implications	
Establishment of the United Nations Register of Damage (A/C.5/61/13, A/61/614)	3 098.7
	3 098.7
Total	**4 213 271.5**

[a] Includes programme budget implications of the draft resolution on the situation of human rights in Myanmar.

[b] Includes reductions recommended by the Advisory Committee on Administrative and Budgetary Questions.

Annex II

Level of the contingency fund for the biennium 2006-2007

(Thousands of United States dollars)

Amount approved by the General Assembly in resolution 59/278	**27 200.0**
Charges approved at the main part of the sixtieth session	
A strengthened and revitalized General Assembly (A/59/L.69/Rev.1, A/59/910, A/C.5/59/35/Rev.1)	823.3
Holocaust remembrance (A/60/526, A/60/7/Add.6)	345.2
Revised estimates for the administration of justice at the United Nations (A/60/303, A/60/7/Add.1)	869.8
Construction of additional office facilities at the Economic Commission for Africa in Addis Ababa (A/60/532, A/60/7/Add.21)	3 671.5
Convention on the Elimination of All Forms of Discrimination against Women (A/C.5/60/12, A/60/7/Add.15)	9 519.3
Transparency in armaments (A/C.5/60/14, A/60/7/Add.19)	1 029.5
Rights of the child (A/C.5/60/15, A/60/7/Add.18)	3 347.8
Future operation of the International Research and Training Institute for the Advancement of Women (A/C.5/60/16, A/60/7/Add.20)	1 042.2
Administrative and financial implications arising from the report of the Standing Committee of the United Nations Joint Staff Pension Board (A/C.5/60/18, A/60/7/Add.22 and Corr.1)	1 079.0
The Rwanda Genocide and the United Nations (A/C.5/60/20)	196.2
Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/C.5/60/21, A/60/7/Add.27)	111.4
Third United Nations Conference on the Least Developed Countries: high-level meeting on the midterm comprehensive global review of the implementation of the Programme of Action for the Least Developed Countries for the Decade 2001-2010 (A/C.5/60/24, A/60/7/Add.29)	223.2
Financial viability of the United Nations Institute for Training and Research (A/60/360, A/60/7/Add.4)	242.4
Proposed post reclassification from D-1 to D-2 under subprogramme 2 of section 26, Humanitarian assistance (A/C.5/60/13)	35.6
Recosting of revised estimates and programme budget implications	387.4
Conference-servicing absorption	(689.8)
Subtotal	**22 234.0**
Balance after the main part of the sixtieth session	**4 966.0**

Charges approved at the resumed sixtieth session	
Human Rights Council (A/C.5/60/28, A/60/7/Add.34)	4 328.7
Balance after the resumed sixtieth session	**637.3**
Sixty-first session proposals[a]	

[a] Subject to decisions of the General Assembly, no proposals under current consideration by the Assembly at the main part of its sixtieth session would be charged to the contingency fund. Proposals for investing in people (A/61/255), after reductions recommended by the Advisory Committee on Administrative and Budgetary Questions, amount to $4,893,700 net of staff assessment, and subject to a decision of the Assembly, would be appropriated outside the contingency fund.

Annex III

Vacancy statistics for authorized posts under the regular budget, by section, as at 31 October 2006

Budget section		Professional			General Service			Total		
		Authorized	Vacant	Rate (percentage)	Authorized	Vacant	Rate (percentage)	Authorized	Vacant	Rate (percentage)
1	Overall policymaking, direction and coordination	81	7	8.6	85	2	2.4	166	9	5.4
2	General Assembly and Economic and Social Council affairs and conference management	962	50	5.2	937	23	2.5	1 899	73	3.8
3	Political affairs	152	15	9.9	124	4	3.2	276	19	6.9
4	Disarmament	36	3	8.3	19	-	-	55	3	5.5
5	Peacekeeping operations	52	4	7.7	329	19	5.8	381	23	6.0
6	Peaceful uses of outer space	15	2	13.3	5	-	-	20	2	10.0
7	International Court of Justice	47	8	17.0	53	2	3.8	100	10	10.0
8	Legal affairs	83	4	4.8	59	-	-	142	4	2.8
9	Economic and social affairs	320	17	5.3	222	6	2.7	542	23	4.2
10	Least developed countries, landlocked developing countries and small island developing States	11	2	18.2	4	-	-	15	2	13.3
11	United Nations support for the New Partnership for Africa's Development	21	3	14.3	11	1	9.1	32	4	12.5
12	Trade and development	230	1	0.4	160	1	0.6	390	2	0.5
14	Environment	30	2	6.7	17	1	5.9	47	3	6.4
15	Human settlements	49	5	10.2	25	-	-	74	5	6.8
16	International drug control, crime prevention and criminal justice	77	-	-	32	-	-	109	-	-
17	Economic and social development in Africa	222	18	8.1	304	-	-	526	18	3.4
18	Economic and social development in Asia and the Pacific	183	9	4.9	246	9	3.7	429	18	4.2
19	Economic development in Europe	119	-	-	76	1	1.3	195	1	0.5
20	Economic and social development in Latin America and the Caribbean	199	9	4.5	277	9	3.2	476	18	3.8
21	Economic and social development in Western Asia	110	10	9.1	145	1	0.7	255	11	4.3
23	Human rights	200	54	27.0	70	15	21.4	270	69	25.6
24	Protection of and assistance to refugees	2	-	-	-	-	-	2	-	-
25	Palestine refugees	102	1	1.0	11	-	-	113	1	0.9
26	Humanitarian assistance	49	1	2.0	17	-	-	66	1	1.5
27	Public information	285	11	3.9	463	22	4.8	748	33	4.4
28	Management and support services	392	20	5.1	905	32	3.5	1 297	52	4.0
29	Internal oversight	61	7	11.5	30	2	6.7	91	9	9.9
33	Safety and security	51	6	11.8	885	37	4.2	936	43	4.6
	Subtotal	**4 141**	**269**	**6.5**	**5 511**	**187**	**3.4**	**9 652**	**456**	**4.7**
	Income section 3 Services to the public	14	2	14.3	88	10	11.4	102	12	11.8
	Total	**4 155**	**271**	**6.5**	**5 599**	**197**	**3.5**	**9 754**	**468**	**4.8**

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The rule of law at the national and international levels

Security Council
Sixty-first year

Uniting our strengths: Enhancing United Nations support for the rule of law

Report of the Secretary-General

Summary

In 2004, I articulated a common language of justice for the United Nations, incorporating concepts of "justice", "rule of law" and "transitional justice". Since my report, there have been important and positive developments. At the 2005 World Summit, Member States reaffirmed their commitment to an international order based on the rule of law and international law, stating that it was essential for peaceful coexistence and cooperation among States. Rule of law and transitional justice issues are now being consistently integrated into the strategic and operational planning of new peace operations and Member States now almost universally recognize the establishment of the rule of law as an important aspect of peacekeeping. As a result, the Security Council is increasingly engaged in including human rights and the reform of policing, judicial, penal and legal systems in mandates.

Supporting Member States to strengthen the rule of law is a key part of the work of the Organization and the basis for action to ensure "freedom from want" and "freedom from fear", as outlined in my report "In larger freedom: towards development, security and human rights for all". While the Organization has been actively involved in providing such support, much remains to be done with regard to our capacities, coherence and coordination.

The centrality of rule of law to the work of the Organization has resulted in many United Nations departments, funds and programmes becoming engaged in a wide range of rule of law activities. Indeed, since my report in 2004, additional actors have joined the rule of law field, with United Nations and non-United Nations actors developing and implementing training and reform programmes, criminal justice strategies, guidelines and manuals, sometimes in coordination, sometimes not. These efforts notwithstanding, the dedicated capacities of the Organization remain shallow, both at Headquarters and in the field. The needs are particularly acute with

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regard to our rule of law and transitional justice expertise in conflict and post-conflict societies, in which only a small number of Headquarters staff are assigned. With limited staff and resources, the Organization has, inevitably, turned to non-United Nations actors for assistance. Though external expertise is extremely valuable, chronic outsourcing undermines any attempt at building and retaining institutional memory and dedicated expertise within the United Nations.

The Organization needs to deepen and rationalize its rule of law work, strengthen its capacities, enhance its institutional memory and coordinate more effectively within the United Nations and with outside actors. To achieve these objectives, a division of labour is being established among the key United Nations actors. To ensure better coordination and adequate capacities across the system, lead entities, designated in accordance with their mandates, will assume clearly defined responsibilities for specific areas of rule of law activities. Lead entities will be obligated to take action to ensure that required capacities exist upon which the whole system can draw. The designation of lead entities is intended to ensure a much higher degree of coherence, predictability and accountability in the delivery of rule of law assistance to Member States.

In addition, to help ensure overall coordination among the lead entities and other actors, at both the global and the country level, I have decided to establish a Rule of Law Coordination and Resource Group within the Secretariat. This Group, chaired by the Deputy Secretary-General, will be the focal point for coordinating system-wide rule of law activities so as to ensure quality control and greater policy coherence and coordination. The Group, which will be supported by a small secretariat unit, will act as a repository of rule of law materials, expert rosters, web resources and best practices, in close cooperation with the relevant lead entities. The Group will also give consideration to recommending the establishment of a rule of law trust fund.

The Rule of Law Coordination and Resource Group will also lead a consultative process with relevant partners, first and foremost Member States. This will identify priority gaps in capacity of the United Nations that need to be filled in the rule of law area and recommend where, and by when, these capacities should be established.

I. Introduction

1. On 6 October 2004, the Security Council held a meeting to discuss "Justice and the rule of law: the United Nations role" and my report of 23 August 2004, entitled "The rule of law and transitional justice in conflict and post-conflict societies" (S/2004/616). In a statement made on behalf of the Security Council at the conclusion of the meeting, the President stressed the importance and urgency of the restoration of justice and the rule of law in post-conflict societies, not only to come to terms with past abuses, but also to promote national reconciliation and to help prevent a return to conflict (see S/PRST/2004/34). The Security Council later requested the Secretariat to make proposals for implementing the recommendations, set out in paragraph 65 of my report, aimed at strengthening the efforts of the United Nations system to address rule of law and transitional justice issues in conflict and post-conflict societies. On 22 June 2006, the Security Council met to discuss "Strengthening international law: rule of law and maintenance of international peace and security", and, in a presidential statement, reiterated the need for the Secretariat to provide proposals (S/PRST/2006/28).

2. The present report will address the request for proposals for enhancing United Nations-system arrangements for supporting the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616, para. 65 (a)) and other considerations set out in my report (paras. 65 (b)-(j)) in a broader context. This is because strengthening rule of law capacities, coherence and coordination is also undertaken in States where the United Nations does not deploy peace or political operations. Thus, this report will make recommendations intended to bring clarity and coherence to the Organization's overall approach to its rule of law activities and assistance.

3. In my report entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005, para. 137), I indicated my intention to create a dedicated Rule of Law Assistance Unit, drawing heavily on existing staff within the United Nations system, in the proposed Peacebuilding Support Office, to assist national efforts to re-establish the rule of law in conflict and post-conflict societies. Subject to a report, the 2005 World Summit Outcome supported the idea of establishing an assistance unit so as to strengthen United Nations activities to promote the rule of law, including through technical assistance and capacity-building (resolution 60/1, para. 134 (e)), and the presidential statement of the Security Council of 22 June 2006 expressed the support of the Council for the idea. On 4 December 2006, the General Assembly at its sixty-first session adopted a resolution that also included support for a dedicated rule of law entity (resolution 61/39). This report will respond to those requests.

II. Background

4. I last reported to the Security Council on this issue in 2004, when I articulated a common language of justice for the United Nations, incorporating concepts of "justice", "rule of law" and "transitional justice" (see S/2006/616, paras. 5-9). My report also set out the normative foundation for our assistance, namely the Charter of the United Nations, together with the four pillars of the modern international legal system — international human rights law, international humanitarian law, international criminal law and international refugee law — and the wealth of United

Nations human rights and crime prevention and criminal justice standards. These universally applicable standards serve as the normative basis for all United Nations activities in support of justice and the rule of law. As I stated in my "In larger freedom" report (A/59/2005, para. 128), the protection and promotion of the universal values of the rule of law, human rights and democracy are ends in themselves. They are also essential for a world of justice, opportunity and stability.

5. Since the 2004 report, there have been important developments. In 2005, the Heads of State and Government attending the General Assembly World Summit identified rule of law as one of four key areas that demanded greater attention. Member States reaffirmed their commitment to an international order based on the rule of law and international law because it is essential for peaceful coexistence and cooperation among States (resolution 60/1, para. 134 (a)). In addition, Member States recognized that rule of law was equally essential for sustained growth, sustainable development and the eradication of poverty and hunger (para. 11).

6. In addition, clear and unambiguous language was accepted by all Governments concerning the responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The international community also accepted its role to take collective action, through the Security Council, in accordance with the Charter of the United Nations, to help such populations, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from the above crimes (para. 139). Since then, the Security Council referred the situation in Darfur to the International Criminal Court. The Court also commenced its first trial in the context of the Democratic Republic of the Congo. Legal protection was also enhanced by the newly established Human Rights Council's adoption of the International Convention for the Protection of All Persons from Enforced Disappearance.[1] Also significant is the entry into force on 22 June 2006 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 57/199, annex). The Optional Protocol creates the Subcommittee on Prevention and allows in-country inspections of places of detention to be undertaken in collaboration with national institutions.

7. With regard to the Organization, it is consistently integrating rule of law and transitional justice issues into the strategic and operational planning of new peace operations. Member States now almost universally recognize the re-enforcement of the rule of law as an important aspect of peace missions in order to achieve sustainable peace and security. As a result, the Security Council is more prepared than previously to include human rights, policing,[2] judicial and legal systems and prison system responsibilities in mandates. Currently, the Council has mandated the deployment of more than 15,000 United Nations police officers in 17 peace operations. Intergovernmental budgetary bodies and donor countries more frequently fund rule of law initiatives in both post-conflict and development settings. Since 2003, the Secretariat has planned, selected and deployed police, judicial and corrections components in virtually all new missions: previously,

[1] *Official Records of the General Assembly, Sixty-first session, Supplement No. 53* (A/61/53), chap. II.A, resolution 1/1.

[2] The term "policing" or "police" as used in this report includes all national security agencies, such as the police and the gendarmerie, that exercise police powers, especially the powers of arrest and detention.

judicial and prison system reform aspects were rarely found outside of executive missions. The peacekeeping mission planning template includes police, judicial and prison reform elements that are closely associated with other key components, including human rights.

8. The list of guidelines, manuals and tools developed by the 2002 Task Force for the Development of Comprehensive Rule of Law Strategies for Peace Operations of the Executive Committee on Peace and Security has been updated, and the Department of Peacekeeping Operations, the United Nations Office on Drugs and Crime (UNODC) of the Secretariat, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) continue to develop lessons learned studies and guidance materials in the areas of police, prison systems, legal and judicial systems and transitional justice. There are well-populated rosters of qualified judicial and prisons staff, and there are currently very few vacancies in the field. Since 2004 considerable work has been done to ensure that the Organization identifies the most effective approaches and provides a full range of tools to ensure that rule of law activities incorporate gender considerations and ensure the participation of women. Several departments, funds and programmes, such as OHCHR, UNDP, the United Nations High Commissioner for Refugees (UNHCR), UNICEF and the United Nations Development Fund for Women (UNIFEM) have staff dedicated to gender equality programming and gender mainstreaming at Headquarters and in the field.

9. Despite these substantial steps forward, much remains to be done with regard to our capacities, coherence and coordination efforts.

III. Existing roles and capacities

A. Background

10. Supporting Member States to strengthen the rule of law is central to the work of the United Nations system and its many departments, funds and programmes. Within the Organization, there is considerable breadth to our rule of law activities.[3]

11. The Office of Legal Affairs of the Secretariat is responsible for the establishment of, and operational support for, international and internationally assisted criminal tribunals and provides advice to other international judicial accountability mechanisms and commissions of experts and inquiry. In addition, the Office has taken the lead within the United Nations system in providing training programmes for national authorities and others aimed at the promotion of international law generally.

12. In its missions, the Department of Peacekeeping Operations of the Secretariat leads on support to policing and supports other rule of law-related aspects of peacekeeping operations, such as justice and legal systems and prison systems. It also convenes the United Nations Rule of Law Focal Point Network, a mechanism for coordinating rule of law strategies for peace operations.

[3] For a detailed overview of rule of law activities undertaken at the Headquarters level, see document S/2004/616, para. 12.

13. The Office of the United Nations High Commissioner for Human Rights takes the lead within the United Nations system on the promotion and protection of human rights, including transitional justice. OHCHR provides support and guidance on transitional justice issues, including the development of policy tools and assistance in the design, establishment and implementation of transitional justice mechanisms. The rule of law-related initiatives of OHCHR include activities to enhance the ratification of human rights treaties, improve the administration of justice at the national level and record violations, including through mechanisms created by the Human Rights Council, in areas such as arbitrary detention, independence of the judiciary and torture. OHCHR also provides expert support for international commissions of inquiry and the establishment and strengthening of national human rights institutions.

14. The United Nations Office on Drugs and Crime promotes efforts to combat trafficking, transnational organized crime, money-laundering, corruption and terrorism in line with the relevant international instruments. UNODC also, as custodian of international standards on crime prevention and criminal justice, assists States in the reform and strengthening of their criminal justice systems. The United Nations Children's Fund works to ensure that children are better served by justice systems that provide greater protection for victims, witnesses and offenders. Programmes focus on legal and policy reform for the incorporation of child justice standards; institutional capacity-building of law enforcement, justice and social welfare sectors in support of improved justice for children (including transitional justice mechanisms); the establishment of diversion programmes; and increased public awareness, dialogue and support for justice for children. The Department of Political Affairs of the Secretariat works on incorporating transitional justice elements in conflict resolution and management, while its Electoral Assistance Division is responsible for electoral matters.

15. The United Nations Development Programme supports national capacities with regard to administration of formal and informal justice systems with a view to sustainable development from a long-term perspective and has a general ability to mobilize resources, at both the global and the regional level. It is becoming engaged in transitional justice programmes and support to restructuring and capacity development of the police, security sector reform programmes and prison reform. The United Nations Development Fund for Women assists in developing programmes and strategies that focus on ensuring gender equality and gender justice in peace processes as well as rehabilitation and reconstruction processes. The Office of the United Nations High Commissioner for Refugees works towards the establishment of coherent national asylum systems based on law, securing access of refugees and internally displaced persons to justice during their displacement as well as in the context of return operations in order to create an environment conducive to the safe and sustainable return of refugees and internally displaced persons. It also contributes to the prevention and reduction of statelessness by providing legal and technical advice to States and contributes to the adoption of standard-setting instruments at the global and regional levels.

B. Dedicated capacities

1. Headquarters

16. At the Headquarters level, United Nations rule of law personnel address a variety of rule of law and transitional justice issues emerging throughout the conflict, peacemaking, peacekeeping and post-conflict peacebuilding phases, as well as in long-term development contexts. They are called upon tc develop coherent rule of law doctrine and policy, provide strategic advice and guidance to my representatives in the field, provide technical rule of law and transitional justice support to peace operations, recruit field staff, assess and plan activities for post-conflict peace operations and engage the broader international community, including bilateral and multilateral donors, aid agencies, non-governmental organizations and private foundations, to support such efforts. In addition, they are responsible for interacting with those departments, funds and programmes which conduct rule of law activities and whose headquarters are away from New York. United Nations personnel also develop guidance and disseminate good practices with regard to the strengthening of national justice systems and institutions in both post-conflict and development contexts.

2. The field

17. The United Nations often acts as focal point in support of the coordination of international assistance to the various rule of law and transitional justice areas. In the field, the United Nations expertise needed depends on several factors, including the host country's legal system, the causes and scope of conflict, the level of political will, the strength of institutions, cultural influences, the presence of traditional and customary systems and the degree to which the rule of law had traditionally constituted the basis of governance prior to the conflict.[4] In addition to technical assistance, training and support, host country institutions in conflict and post-conflict situations often require substantial material and financial assistance. This can take the form of capital improvements, such as the rehabilitation of police facilities, courts and prisons. United Nations trust funds may be utilized to channel timely support to weak police, judicial and prison systems. In development contexts, United Nations support focuses on strengthening national systems in line with international human rights standards.

3. Analysis of capacities

18. In order to provide the Organization, the Peacebuilding Commission and Member States with a sense of the resources that may be called upon when devising an international peacebuilding strategy for a given country-specific situation, in 2005, an internal mapping was undertaken of existing peacebuilding capacities in the Organization, both at Headquarters and in the field. The mapping focused on four broad areas, including the rule of law.

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[4] Expertise can cover electoral assistance, police administration, internal investigations, court administration, legal drafting, judicial accountability, vetting, truth-seeking processes, prison management, reparations, prosecutions, international and mixed tribunals, legal training, land and property rights, international humanitarian, human rights and refugee law, constitutional law, institution-building, public administration reform and so on.

19. The conclusions of the mapping exercise with regard to our dedicated rule of law expertise in the peacebuilding context, including our police, judicial, prison and transitional justice expertise, were consistent with these general findings. The mapping indicated that, considering how relatively high profile the rule of law area is, the modesty of United Nations human resources capacity was striking, especially at Headquarters.

20. Much attention has been devoted over the past decade to improving our peacebuilding knowledge and capacity. Communities of practice, sharing knowledge, experience and good practice have been established, but more work is needed to ensure institutionalized capacity within the United Nations. Our internal mapping has shown that the Organization is weak in institutionalizing and retaining best practice, expertise and staff. Despite the vast range of peacebuilding activities and the practical experience our staff have gained in the field, the ability of the Organization to reliably draw upon or improve our knowledge base has been insufficient.

21. The paucity of expertise at Headquarters and in the field and our present limited capacity to retain meaningful institutional memory has led many United Nations actors to turn to non-United Nations actors to fill the gaps. This external expertise is invaluable because such partnerships can only enhance and enrich our work. Nevertheless, an overreliance on outside capabilities at the expense of building and retaining institutional capacity within the Organization may undermine our goal of ensuring high quality, accountable and predictable expertise to Member States.

C. Guidelines and other materials

22. Since 2004, United Nations departments, funds and programmes have made considerable efforts to supplement existing rule of law materials, focusing on tools that support our limited knowledge base and capacities in the field. These guidelines and manuals cover a broad range of subjects, including the judiciary, transitional justice, criminal law and general legislative assistance and reform, and police, prisons systems and housing and property issues.

23. As the United Nations system's point of entry for interaction with the International Criminal Court, the Office of Legal Affairs provides advice to other entities of the United Nations system in initial contacts between United Nations actors and the Court to ensure that policies set out by the Office are followed.

24. The Department of Peacekeeping Operations has developed directives for all heads of police components and specific directives on use of force, as well as policies and guidelines on the reform, restructuring and rebuilding of the police, internal evaluations, the functions and organization of formed police units and census and identification of police officials. A handbook for United Nations police officers has also been developed and specific policies on vetting and training of police officers and the assessment of policing are being developed. The Department has also developed lessons learned studies and guidance materials in both the prisons and judicial areas. A *Prison Support Policy Directive* and *Prison Support Guidance Manual* provide best practice guidance concerning the principles, planning, management operations and technical requirements for the support of national prison systems within United Nations peacekeeping operations. The *United*

Nations Primer for Justice Components in Multidimensional Peace Operations: Strengthening the Rule of Law provides advice and guidance for justice sector field officers. Designed as a practical guide, it describes central functions, approaches and techniques as well as priority areas and activities for technical assistance, including guidance on how to build relationships and linkages. The *Primer* is the first manual in a planned series of guidance materials in the field of judicial and legal reform. The Department has also established and facilitates an electronic *Rule of Law Community of Practice*, which includes primarily police, judicial and prison officers who serve as a forum for information, experience and resource exchange, in particular for field operations. The *Gender Resource Package* developed by the Department provides a basic tool for ensuring that considerations are integrated into rule of law-related activities.

25. In 2006, OHCHR produced guidelines identifying best practices in the area of transitional justice. The *Rule of Law Tools for Post-Conflict States* are designed to ensure sustainable, long-term institutional capacity within United Nations field presences, transitional administrations and civil society on relevant transitional justice issues. The five tools outline the basic principles involved in mapping the justice sector, undertaking national prosecution initiatives, creating truth commissions, vetting public officials and monitoring legal systems. Additional tools on maximizing the legacy of mixed courts and best practices with regard to reparations programmes will be published shortly. In addition, OHCHR supported several standard-setting exercises, including the finalization of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147, annex) and the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (E/CN.4/2005/102/Add.1). OHCHR also prepared a study on the scope and content of the right to the truth (E/CN.4/2006/91). OHCHR, in consultation with other entities of the Organization, civil society and other stakeholders, has also studied and analysed the transitional justice activities undertaken by the human rights components of the United Nations.

26. UNDP has developed guidelines on vetting and institutional reform and a series of policy documents, handbooks and tools on security sector reform, access to justice, gender justice, the human rights-based approach to development programming, citizen security and work to combat corruption. UNHCR has developed material on addressing housing, land and property issues in the initial stages of a peace operation. It also developed a handbook on nationality and statelessness in cooperation with the Inter-Parliamentary Union, and is currently updating its *Handbook for Registration*. UNICEF has developed materials on children and transitional justice, compilations of good practices and global indicators on juvenile justice, applicable in post-conflict as well as development contexts. UNODC is updating its *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*, which covers different areas of the criminal justice system and the revised edition of which will be published in early 2007. Drawing, inter alia, on these instruments, UNODC has developed a comprehensive *Criminal Justice Assessment Toolkit*, which consists of a series of 16 assessment tools covering the whole criminal justice system. These tools have been designed to enable United Nations actors engaged in criminal justice reform to conduct comprehensive assessments of criminal justice systems, to identify areas of

technical assistance and to assist United Nations actors in the design of interventions that integrate United Nations standards and norms, including in post-conflict situations. Recently, UNODC developed a *Handbook on Law Enforcement Responses to Violence against Women*, which is applicable in post-conflict environments.

27. Many of these guidelines and tools have been developed through collaborative efforts. For example, OHCHR collaborated with UNDP on the development of a rule of law tool on vetting (screening out individuals associated with past abuses); United Nations actors provided input and support to the development of the Department of Peacekeeping Operations prison policy, judicial and corrections guidance materials, and judicial and corrections lessons learned studies; the Office of Legal Affairs, the Department of Peacekeeping Operations, OHCHR, UNODC and UNDP are collaborating in the development of the United Nations rule of law index; and UNODC developed its *Criminal Justice Assessment Toolkit* with the cooperation of the Department of Peacekeeping Operations, UNDP, UNICEF and various other United Nations actors. UNODC and UNICEF are jointly publishing a manual for the measurement of juvenile justice indicators and are collaborating on materials to promote the use of new United Nations guidelines on matters of justice involving child victims and witnesses.

28. Despite the wide range of materials being produced by the United Nations, there is no formal process in place for the Secretariat to endorse materials to ensure coherence in doctrine or approach and to avoid overlap. The absence of quality control results in the development of guidelines and materials that no other part of the Organization is obligated to use. Where relevant guidelines are used, consensus on content, training methodology, expertise utilized and the evaluation and monitoring of their implementation is absent.

IV. Approaches to coordination

A. Background

29. In 2002, the Task Force for the Development of Comprehensive Rule of Law Strategies for Peace Operations of the Executive Committee on Peace and Security met over a three-month period to consider how the Criminal Law and Judicial Advisory Unit of the Department of Peacekeeping Operations could best mobilize and apply existing expertise/resources within the United Nations system to provide the necessary support to peace operations on rule of law issues. Among other things, the Task Force recommended the establishment of a network of rule of law focal points within relevant United Nations departments and agencies to provide ongoing and direct support to the Unit in the broader effort to sustain an integrated approach and comprehensive strategy for dealing with rule of law issues in peace operations.

30. In its report, the Task Force recommended that focal points be appointed by departments and agencies with substantial expertise/programmes dealing with rule of law-related matters in peace operations and post-conflict settings and stated that initially all of the departments and agencies represented on the Task Force should designate such focal points.[5] The Executive Committee agreed with the

[5] The designated members of the Task Force included the Office of Legal Affairs, the Department

recommendations of the Task Force and in 2003 the heads of the relevant departments and entities designated focal points.

B. Coordination at Headquarters

31. Since 2003, the United Nations Rule of Law Focal Point Network has been meeting on an as-needed basis. Attendance is most often limited to a core group of departments. Although it was intended as a mechanism to support the Criminal Law and Judicial Advisory Unit, the Network has mainly operated to share information on policy development and rule of law activities, including assessment missions, workshops and conferences. Some members of the Network have provided support to the Unit and to peace operations on rule of law issues. For example, the Department of Peacekeeping Operations and OHCHR undertook joint training of human rights and legal and judicial affairs officers in monitoring the justice system in Liberia and OHCHR and UNDP have participated in interviews of some legal and judicial affairs staff for peace operations, although this sort of assistance remains ad hoc. UNODC also carried out several programming and assessment missions to United Nations peace operations at the request of the Department of Peacekeeping Operations. Despite the best efforts of those actively engaged in the Focal Point Network, three years on, the Network has not played the full role envisaged for it by the Task Force and endorsed by the Executive Committee on Peace and Security, primarily as a result of the lack of dedicated capacity within the United Nations system on rule of law issues.

32. In addition to the focal point network, interdepartmental task forces have been established to coordinate the planning of peace operations, including rule of law and transitional justice aspects. OHCHR and UNHCR have each entered into distinct agreements with the Department of Peacekeeping Operations outlining their coordination and joint approaches on human rights and refugee issues in peacekeeping. In other contexts, the Office of Legal Affairs has coordinated training programmes for Member States on the implementation of international agreements and obligations with the participation of OHCHR, UNODC, the World Bank and the International Committee of the Red Cross, and the Inter-Agency Coordination Panel on Juvenile Justice coordinates policies, projects and activities among international organizations engaged with national authorities in juvenile justice reform.

C. Coordination in the field

33. In peace operations, rule of law working groups have been established and include United Nations personnel working on police, judicial, corrections, civil affairs, human rights, humanitarian affairs, return of displaced populations and gender issues. In some instances, these working groups are internal bodies of the mission that coordinate approaches to identifying common problems and suggested strategies. In other instances, coordination involves national actors and donors. For example, in Afghanistan, following a number of coordination initiatives, the United

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of Political Affairs, the Department for Disarmament Affairs, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, OHCHR, UNODC, UNDP, UNHCR and UNICEF.

Nations Assistance Mission in Afghanistan was appointed as focal point to chair the newly established International Coordination Group for Justice Reform. The aim of the Group, which is composed of representatives of the main international donors and United Nations actors involved in justice reform in Afghanistan, is to coordinate international support and assistance to the Government of Afghanistan, enhance the level of information exchange among international donors and agencies, identify gaps, constraints and challenges, facilitate policy discussion and encourage and recommend a more coherent, structured and strategic approach to rule of law programming at the national and provincial levels.

34. By contrast, however, a number of peace operations with rule of law capacity have no coordination mechanisms. In other instances coordination does not include national stakeholders or donors. In certain highly decentralized United Nations actors, there is little or no communication or coordination with Headquarters.

35. In countries without peace operations, OHCHR, UNDP, UNIFEM and other funds and programmes use the country team coordination framework to plan and synthesize rule of law programming. OHCHR and UNDP have had a memorandum of understanding on the implementation of human rights at the country level since 1999. Such planning is aimed in particular at the implementation of the Secretary-General's Action 2 programme to enhance national promotion and protection systems (see A/57/387, para. 51). In addition to these formal mechanisms, much of the coordination work is conducted through informal contacts.

36. Concerning coordination and communication among field operations and between the field and Headquarters, many challenges remain. The internal mapping concluded that the Organization's engagement, approach and coordination at both the Headquarters and the mission levels remained informal and ad hoc, and was poorly harmonized with that of other key external partners (see paras. 18-21 above).

V. Strengthening our capacities, coherence and coordination

37. With a view to strengthening system-wide arrangements for our work on rule of law in the context of peacebuilding, in July 2006 I asked the Working Group on Rule of Law and Justice[6] to prepare options on how best to structure the United Nations rule of law capacity, both at Headquarters and in the field, and to provide recommendations on strengthening United Nations capacities, where warranted, and to address the issue of improving linkages with other actors. Moreover, there was a consensus that any suggested remedies should go beyond the peacebuilding context. To address this issue and to ensure the resolution of chronic problems, which would enable the Organization to be effectively and meaningfully strengthened, the Working Group made recommendations that addressed the Organization's rule of law activities in all of its work.

38. Following the recommendations of the Working Group, I have decided that in order to strengthen and rationalize United Nations capacities, in particular to assist Member States in the rule of law, the primary objectives for the Secretariat and other key United Nations actors should be to significantly enhance coherence and

[6] The Working Group was chaired by an Assistant Secretary-General and consisted of representatives of the Office of Legal Affairs, the Department of Political Affairs, the Department of Peacekeeping Operations, OHCHR, UNODC, UNDP and UNHCR.

coordination across the Organization and with non-United Nations actors, at both the global and the country level, and to increase and deepen required capacity in priority areas of three main "baskets" of rule of law activity: **Rule of law at the international level**; **Rule of law in the context of conflict and post-conflict situations**; and **Rule of law in the context of long-term development**.

39. To achieve these objectives, it was agreed that a division of labour should be established among the key United Nations actors in which designated lead entities would assume clearly defined coordination and other responsibilities for specific areas of rule of law activity.

Rule of law baskets and sectors

40. For purposes of coherence and coordination, the rule of law activities of the Organization can be grouped into three main baskets, as mentioned above. The first basket, **Rule of law at the international level**, includes issues related to the Charter of the United Nations, multilateral treaties, international dispute resolution mechanisms, the International Criminal Court and advocacy, training and education regarding international law.

41. The second basket, **Rule of law in the context of conflict and post-conflict situations**, includes two components, **Transitional justice** and **Strengthening of national justice systems and institutions**. The activities under Transitional justice will include the following: national transitional justice consultation processes, truth and reconciliation processes, reparations, international and hybrid tribunals, national human rights institutions, vetting processes and ad hoc investigations, fact-finding and commissions of inquiry.

42. The second component of **Rule of law in the context of conflict and post-conflict situations** is also the core component of the third basket, on **Rule of law in the context of long-term development**, and comprises activities in the area of Strengthening of national justice systems and institutions. These include work to strengthen legal and judicial institutions (e.g. prosecution, ministries of justice, criminal law, legal assistance, court administration and civil law), policing, penal reform, the administration of trust funds and monitoring. In addition, the following additional priority areas have been identified: customary, traditional and community-based justice and dispute resolution mechanisms; victim and witness protection and assistance; combating corruption, organized crime, transnational crime and trafficking, and drug control; legal education; public law issues (e.g. land and property, registration, national identification, citizenship and statelessness); interim law enforcement and executive judicial functions performed by the United Nations; and security support to national police agencies. So as to ensure coherence, the activities in the final basket, **Rule of law in the context of long-term development**, will closely mirror those activities being undertaken in the context of conflict and post-conflict societies. United Nations human rights standards and norms will be integrated throughout the baskets and sectors.

1. Division of labour

43. The designation of **lead entities** with clearly defined responsibilities is intended to ensure a much higher degree of coherence, predictability and accountability in the delivery of rule of law assistance. Lead entities will be

designated in accordance with their mandates and will not assume exclusive responsibility for the relevant area either at the global or the country level, but will be expected to perform operational, coordination and policy functions and thus, generally at both the global and the country level, will need to ensure that they have adequate capacities that can be provided on behalf of the entire system, taking into account and making best use of existing capacities, expertise and mandates in other United Nations and non-United Nations actors.

(a) Global level

44. At the global level, the lead entities will have the following responsibilities:

- **Support to Member States**, as requested
- **Collaboration with non-United Nations actors**: proactive reaching out to and ensuring systematic collaboration with all relevant non-United Nations actors in the particular area
- **Capacity**: assessing the overall needs and available capacities in the relevant area and taking action to ensure that required capacities and mechanisms exist, including ensuring sufficient staff capacity that the rest of the Organization can draw upon and managing rosters of experts
- **Coordination** through area-specific mechanisms, maintaining close links with other United Nations and non-United Nations actors, including on planning, standards, best practice, advocacy and mobilization of resources
- **Policy development, standard-setting and best practices**, including tools, manuals and methodologies
- **Training** at the international and regional levels, including development of agreed training tools and materials
- **Substantive guidance** to missions and country teams, including support in planning processes

(b) Country level

45. At the country level, in consultation with Member States, the lead entity will have the following responsibilities:

- **Acting as the primary counterpart of national authorities**
- **Identification of key partners** active or interested in the particular country
- **Coordinated planning and strategy development** within the specific area, including needs assessment and analysis
- **Coordination of programme implementation** with all relevant partners within the area and ensuring effective links with other related areas
- **Application of standards**: ensuring that participants are aware of relevant standards and that activities are in line with those standards
- **Training** at the national and local levels and coordination of other actors conducting training in the same area

- **Resource mobilization**: advocate for donors to fund participants to carry out priority activities in the area concerned

46. Though there would be a general presumption that a global lead entity will perform a lead role in the relevant area in States where new rule of law programmes are established, the designation of global lead entities for a particular area will not imply an exclusive implementation role. Lead entities will take into account and draw on the capacities and expertise of other entities. The primary role of the coordination and planning mechanisms led by the resident coordinator or special representative of the Secretary-General or his deputy will be respected and current arrangements for rule of law activities will be reviewed on a case-by-case basis, including by the Rule of Law Coordination and Resource Group referred to below. Among other things, this approach will help avoid the undesirable situation in which two United Nations actors operate separate programmes on the same rule of law topic in the same country. Where more than one United Nations actor has resources to devote to a particular rule of law sector, it will be done jointly, under the authority of the designated lead. Thus, peace operations will have integrated legal and judicial reform programmes and units operating within the same peace operation under a single head. In exceptional cases in which the global lead entity does not have the capacity to perform this role in a particular country, it should be consulted on the arrangements agreed by the United Nations country team and will be expected to perform the global support functions described above.

47. The aim of the proposed approach is to increase predictability while also preserving sufficient flexibility to take into account circumstances at the country level. Disagreements that cannot be resolved at the country level would be referred to the Rule of Law Coordination and Resource Group (see below), in consultation with the resident coordinator or special representative of the Secretary-General and their Headquarters counterparts.

2. Overall coordination

48. In addition to proposing the division of labour described above, I have decided to create a **Rule of Law Coordination and Resource Group**, consisting of the key United Nations actors,[7] which will act as Headquarters focal point for coordinating system-wide attention on the rule of law so as to ensure quality, policy coherence and coordination.[8] It will be designed to work closely with the lead entities and avoid any duplication of their sector-specific coordination and other functions. Much of the day-to-day and field-level coordination would be within baskets as part of a decentralized process. The Group will focus on overall coordination and policy issues and help ensure that the lead entities fulfil their responsibilities. Its specific tasks will include:

(a) Periodically convening the United Nations actors that provide rule of law assistance to discuss rule of law developments and efforts and to share information;

[7] The Office of Legal Affairs, the Department of Peacekeeping Operations, OHCHR, UNODC, UNDP, UNIFEM and UNHCR.

[8] When requested by Member States, the Rule of Law Coordination and Resource Group will also coordinate our constitutional assistance.

(b) Maintaining a clearing house of information about who in the Organization provides what rule of law assistance as an information resource for those inside and outside the United Nations;

(c) Acting as a resource for the Peacebuilding Commission and Peacebuilding Support Office;

(d) Helping to ensure that the Organization responds, effectively and coherently, to requests from States for assistance, in close collaboration with lead entities;

(e) Providing policy direction by the preparation of policy papers, in conjunction with relevant lead entities;

(f) Mediating disagreements among United Nations rule of law assistance providers that cannot be solved at the sector or country level and, if necessary, presenting such disputes to the Secretary-General for decision, including through the Policy Committee;

(g) Assisting in the development of overall strategies for rule of law assistance;

(h) Acting as a repository for the Organization's rule of law materials and best practices, including the identification and endorsement of core rule of law materials, and establishing and managing Web resources;

(i) Facilitating contact between United Nations actors involved in rule of law programming and Member States, regional and intergovernmental organizations, donors and non-governmental organizations;

(j) Maintaining a global roster of professionals in the rule of law field;

(k) Supporting the promotion of the rule of law in international relations;

(l) Assisting in the mobilization of resources.

49. The Group will be supported by a secretariat unit of up to four Professional staff, to be seconded from key United Nations actors during the initial phase. The Group will be chaired and supervised by the Deputy Secretary-General. The decision as to where the Group is located will be addressed by the incoming Secretary-General. Given the broad remit of the new entity, it would not be appropriate to place it within the Peacebuilding Support Office.

50. Once established, the Rule of Law Coordination and Resource Group will lead a consultative process with Member States and other relevant partners to identify priority gaps in capacity of the United Nations that need to be filled in the rule of law area and will recommend where and by when those capacities should be established. This review must take account of the fact that the Organization does not need to be engaged in all areas of rule of law activity. It needs to truly prioritize the entry points since there is much room for other key non-United Nations actors. In addition, the Group will coordinate the request from the General Assembly for the preparation of an inventory of current activities of the Organization devoted to the promotion of the rule of law at the national and international levels (resolution 61/39, para. 2). The Group will also give consideration to recommending the creation of a rule of law trust fund for the whole system to draw upon.

VI. Final observations

51. In this report, I have set out practical measures the United Nations system will take to enhance its arrangements for supporting the rule of law and transitional justice activities of the Organization. I have identified those priority areas in which it will deliver high-calibre advice and assistance to Member States, in partnership with other non-United Nations actors. The Organization will continue to increase and deepen its capacity in priority areas of rule of law activity identified in this report.

52. My decision to significantly enhance coherence and coordination across the Organization through the designation of baskets and a division of labour will ensure a much higher degree of predictability and accountability in the delivery of rule of law assistance to Member States. In addition, the creation of a robust coordination mechanism, led by a senior United Nations official, will ensure quality control, policy coherence and meaningful coordination within Headquarters and with our field operations. With a robust coordination mechanism in place and with the assistance of the lead entities, the Organization will be able to ensure that we begin a process in which we retain and build on our institutional memory in the rule of law.

53. As Member States have reaffirmed their commitment to the rule of law as an all-important framework for advancing human security and prosperity, I too reaffirm the commitment of this Organization to support Member States to ensure that fair and effective national legal, judicial, prison and police institutions are in place so that societies emerge from a violent past. I believe that my decision to ensure that the Organization has a core United Nations cadre of rule of law expertise, coupled with meaningful and robust coordination, can only benefit Member States in their recommitment to an international order based on the rule of law. Moreover, I am convinced that the investment by Member States to increase the capacity of the Organization to support their efforts to uphold the rule of law will contribute significantly to peace and security, as well as to sustainable development.

United Nations A/61/637–S/2006/983

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Security Council

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14 December 2006

Original: English

General Assembly
Sixty-first session
Agenda items 17 and 27

Security Council
Sixty-first year

The situation in the occupied territories of Azerbaijan

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 13 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Organization of the Islamic Conference (OIC) Group in New York, I have the honour to transmit herewith a press release dated 12 December 2006 from the OIC Secretary General (annex I), and another dated 13 December 2006 from the OIC General Secretariat (annex II) concerning the so-called "constitutional referendum" held on 10 December 2006 in the occupied Nagorny-Karabakh region of the Republic of Azerbaijan.

The Organization of the Islamic Conference rejects the outcome of the referendum, which was against international law and will undermine existing international efforts to achieve a negotiated settlement of the dispute.

I should be grateful if the present letter and its annexes were urgently distributed as a document of the General Assembly, under agenda items 17 and 27, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

06-66225 (E) 191206

Annex I to the letter dated 13 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

The Organization of the Islamic Conference rejects the outcome of the election in the disputed territory of Nagorno-Karabakh

The Secretary General of the Organization of the Islamic Conference(OIC) Prof.Ekmeleddin Ihsanoglu has expressed the OIC's rejection the outcome of the recent election in Nagorno-Karabakh ,stating that the election was against International Law particularly the Geneva Convention.

Prof.Ihsanoglu in a statement today noted such referendum has not only created a new problem but also complicated the resolution of the Nagorno-Karabakh conflict. He emphasized that the latest development will undermine the existing international efforts seeking to achieve a negotiated settlement of the dispute.

The Secretary General , while reiterating that lasting peace could only can be reached through negotiation between the Republic of Azerbaijan and Armenian side, also restated the determination of the OIC to remain engaged in finding an acceptable solution to the territorial dispute.

Jeddah 12th December 2006.

Annex II to the letter dated 13 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Organization of the Islamic Conference spokesman Ambassador Atta El-Manane termed the so-called referendum in Nagorno Karabakh against the norms and principles of international law

The OIC Spokesman replying to media, reiterated the OIC's rejection of the outcome of the recent "referendum" in Nagorno Karabakh.

The Spokesman said that the so-called "referendum" gravely violates relevant norms and principles of international law, and interferes with an ongoing peace process. This act and its results therefore have no legal effect.

He underlined that the OIC is well aware of the occupation and ethnic cleansing carried out by the Armenian armed forces against peaceful Azerbaijani population in the Nagorno Karabakh region and other occupied territories of Azerbaijan.

He said the OIC fully recognizes sovereignty and territorial integrity of the Republic of Azerbaijan. In compliance with the relevant OIC documents, including the Baku Declaration, adopted by the 33rd Session of the Islamic Conference of Foreign Ministers, we once again strongly condemn the aggression of the Republic of Armenia against the Republic of Azerbaijan and urge immediate, complete and unconditional withdrawal of Armenian occupying forces from the occupied territories of Azerbaijan.

He emphasized that any constitutional document envisaging a self-rule for the population of the Nagorno Karabakh region can only be elaborated through a legal, democratic and peaceful process with a full, equal and direct participation of the entire population of the region consisting of the Armenian and Azerbaijani communities.

Jeddah: 13 December 2006.

United Nations A/61/638

General Assembly

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14 December 2006

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Sixty-first session
Agenda items 96 and 108 (s)

Comprehensive Nuclear-Test-Ban Treaty

Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

Letter dated 13 December 2006 from the Permanent Representative of Canada to the United Nations addressed to the Secretary-General

On behalf of Australia, Canada, Finland, Japan and the Netherlands, I have the honour to forward to you the joint ministerial statement in support of the Comprehensive Nuclear-Test-Ban Treaty, which was launched on 20 September 2006 in New York (see annex). It is our pleasure to inform you that as at 13 December 2006, 72 countries have associated themselves with the joint statement. We would be grateful if you would have the present letter and its annex circulated as a document of the General Assembly at its sixty-first session under agenda items 96 and 108 (s).

We would also like to take this opportunity through you to inform those members that are not accredited to the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization that we would be pleased to be notified whether their Foreign Ministers wish to endorse the attached joint statement.

(*Signed*) John McNee
Ambassador
Permanent Representative

06-66219 (E) 191206

Annex to the letter dated 13 December 2006 from the Permanent Representative of Canada to the United Nations addressed to the Secretary-General

Joint ministerial statement on the Comprehensive Nuclear-Test-Ban Treaty

20 September 2006
New York

1. We, the Foreign Ministers who have issued this statement, reaffirm our support for the Comprehensive Nuclear-Test-Ban Treaty, which would rid the world of nuclear weapons test explosions and would contribute to systematic and progressive reduction of nuclear weapons and the prevention of nuclear proliferation.

2. In 2006, which marks the tenth anniversary of its opening for signature, we emphasize that the Treaty is a major instrument in the field of nuclear disarmament and non-proliferation. The Treaty was an integral part of the 1995 agreements by the States parties to the Nuclear Non-Proliferation Treaty allowing the indefinite extension of the Treaty. The early entry into force of the Comprehensive Nuclear-Test-Ban Treaty was recognized at the 2000 Review Conference of the Nuclear Non-Proliferation Treaty as a practical step to achieving the nuclear disarmament and non-proliferation objectives of the Nuclear Non-Proliferation Treaty and has also been reaffirmed by the General Assembly as being of central importance.

3. We recall the Conference on Facilitating the Entry into Force of the Comprehensive Test Ban Treaty that adopted in September 2005 a declaration stating that participating States would "spare no efforts and use all avenues open to us in conformity with international law to encourage further signature and ratification of the Treaty" and deciding on a set of measures to progress towards that goal.

4. We affirm that the Comprehensive Nuclear-Test-Ban Treaty will make an important contribution towards preventing the proliferation of materials, technologies and knowledge that can be used for nuclear weapons, one of the most important challenges the world is facing today. Thus, the entry into force of the Treaty, within the broader framework of multilateral disarmament and non-proliferation efforts, is more urgent today than ever before. Progress on this issue would also contribute to a positive outcome of the preparatory process for the 2010 Review Conference of the Nuclear Non-Proliferation Treaty, which will start in the spring of 2007.

5. We welcome the fact that the Comprehensive Nuclear-Test-Ban Treaty has achieved near universal adherence with signatures by 176 States and ratification by 135 States as of 20 September 2006. Of the 44 States whose ratification is necessary for the entry into force of the Treaty, 10 have yet to do so. We call upon all States that have not yet done so to sign and ratify the Treaty without delay, in particular those whose ratification is needed for its entry into force. We recognize the extensive range of bilateral and joint outreach efforts by signatories and ratifiers to encourage and assist States that have not yet signed and ratified the treaty. We commit ourselves individually and together to make the Treaty a focus of attention at the highest political levels and to take measures to facilitate the signature and

ratification process. We support the efforts by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to facilitate that process by providing legal and technical information and advice.

6. We call upon all States to continue a moratorium on nuclear weapon test explosions or any other nuclear explosions. Voluntary adherence to such a moratorium is of the highest importance but does not have the same permanent and legally binding effect as the entry into force of the Treaty. We reaffirm our commitment to the Treaty's basic obligations and call on all States to refrain from acts that would defeat the object and purpose of the Treaty pending its entry into force.

7. We welcome the progress made in building up all elements of the verification regime, which shall be capable of verifying compliance with the Treaty at its entry into force. We will continue to provide the support required to complete and to operate the verification regime in the most efficient and cost-effective way. We will also promote technical cooperation to enhance verification capabilities under the Comprehensive Nuclear-Test-Ban Treaty.

8. In addition to its primary function, the Treaty verification system will bring scientific and civil benefits, including for tsunami warning systems and possibly other disaster alert systems, through civil and scientific applications of waveform and radionuclide technologies and use of the data. We will continue to seek ways to ensure that those benefits will be broadly shared by the international community.

9. We appeal to all States to make maximum efforts towards achieving the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty. On our part, we dedicate ourselves to realizing that goal.

Afghanistan
Albania
Algeria
Andorra
Argentina
Australia
Austria
Belarus
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Belize
Bosnia and Herzegovina
Brazil
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Canada
Chile
Costa Rica
Croatia
Cyprus
Czech Republic
Denmark
Ecuador
El Salvador
Estonia
Finland
France
Germany
Greece
Guatemala
Holy See
Hungary
Iceland
Ireland
Italy
Japan
Kazakhstan
Latvia
Lesotho
Liechtenstein
Lithuania
Luxembourg
Malta
Mexico
Namibia
Netherlands
New Zealand

Nicaragua
Norway
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Republic of Korea
Romania
Russian Federation
San Marino
Serbia
Singapore
Slovakia
Slovenia
South Africa
Spain
Sweden
Switzerland
The former Yugoslav Republic of Macedonia
Tunisia
Turkey
Ukraine
United Kingdom of Great Britain and Northern Ireland
Venezuela (Bolivarian Republic of)

United Nations A/61/639

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Agenda item 44
Culture of peace

Letter dated 14 December 2006 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit a message from the World Summit of Religious Leaders (Moscow, 3-5 July 2006) (see annex) and to request the circulation of this letter and its annex as a document of the sixty-first session of the General Assembly under agenda item 44. .

(*Signed*) V. **Churkin**

06-67940 (E) 261206 271206

Annex to the letter dated 14 December 2006 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

MESSAGE FROM THE WORLD SUMMIT OF RELIGIOUS LEADERS (Moscow, 3-5 July 2006)

We, participants in the World Summit of Religious Leaders – heads and delegates of Christian, Muslim, Jewish, Buddhist, Hindu, and Shinto religious communities in 49 countries, met in Moscow on the eve of the Group of Eight Summit. Having at length discussed issues of mutual concern, we now appeal to the heads of States, to our religious communities and to all people of good will.

We believe that the human person is religious by nature. Since the dawn of history, religion has played the key role in the development of thought, culture, ethics and the social order. With the ever growing role of faith in contemporary society, we want religion to continue being a solid foundation for peace and dialogue amongst civilizations, and not to be used as a source of division and conflict. Religion has the potential to bind together diverse peoples and cultures despite our human fragility, particularly in today's context of plurality and diversity.

Human life is a gift of the Almighty. Our sacred duty is to preserve it, and this should be the concern of both religious communities and political leaders.

Dialogue and partnership among civilizations should not just be slogans. We need to build a world order which combines democracy - as the way of harmonizing different interests and as people's participation in national and global decision-making - and respect to the moral feeling, way of life, various legal and political systems, and national and religious traditions of people. Comprehensive, just and durable solutions of international disputes should be reached by peaceful means. We reject double standards in international relations. The world should have many poles and many systems, meeting the requirements of all individuals and nations rather than matching lifeless and oversimplified ideological patterns.

The human being is the Creator's unique creation whose existence reaches into eternity. Humans should not become either a commodity or an object of political manipulation or an element of the production and consumption machine.

It is, therefore, necessary to assert constantly the highest value of human life from conception to the final breath and natural death. Thus the family needs support today, for it is the privileged context for cultivating the free, intelligent and moral personality. We call for more assistance to the family, particularly in its formative mission, by national and international law and the practice of States, various public institutions, religious communities and the mass media. Linked to this is our concern for the status of women and children in many societies. Promoting the unique character of every person, women and men, children and the elderly, as well as people with disabilities, we see that they all have their special gifts. Protecting them from violence and exploitation is a common task for the authorities, the society, and religious communities.

The human being is the supreme creation of the Almighty. Therefore human rights, their protection and respect at the national, regional and international levels is an important concern for us. Nevertheless, our experience also shows that without an ethical core, without understanding our duties, no society or country is exempt from conflict and collapse. Sin and vice ruin both the individual and the society. For this reason we are convinced that law and social order should seek to bring together in fruitful harmony a commitment to rights and freedom as well as an awareness of the ethical principles that are constitutive of human living together.

We state the importance of religious freedom in today's world. Individuals and groups must be immune from coercion. No one is to be forced to act in a manner contrary to his or her own beliefs in religious matters. It is also necessary to take into account the rights of religious and ethnic minorities.

We condemn terrorism and extremism of any form, as well as attempts to justify them by religion. We consider it our duty to oppose enmity on political, ethnic or religious grounds. We deplore the activities of pseudo-religious groups and movements destroying freedom and health of people as well as the ethical climate in societies. Using religion as a means for rousing hatred or an excuse for crimes against individuals, morality and humanity present a major challenge today. This can be effectively addressed only through education and moral formation. School, mass media, and preaching by religious leaders should return to our contemporaries the full knowledge of their religious traditions which call them to peace and love.

We call for an end to any insult to religious feelings and defilement of texts, symbols, names or places held sacred by believers. Those who abuse sacred things should know that it wounds the hearts and stirs up strife among the people.

Through education and social action, we must reassert sustainable ethical values in the consciousness of people. We believe these values to be given to us by the Almighty and deeply rooted in human nature. They are shared by our religions in many practical ways. We feel responsible for the moral condition of our societies and want to shoulder this responsibility in working together with States and civil associations enabling a life where ethical values are an asset and a source of sustainability.

Human life is also interrelated with economy. International economic order, as all other spheres of global architecture, should be based on justice. All economic and business activities should be socially responsible and carried out using ethical standards. It is this that makes the economy really efficient, that is, beneficial to the people. A life lived only for financial profit and facilitating production progress becomes barren and meagre. Being aware of this, we call on the business community to be open and responsible towards civil society, including religious communities, at the national and global levels.

It is imperative that all governments and the business community alike be responsible stewards of the resources of our planet. These resources, as given to all generations by the Creator, should be used for the benefit of everyone. All nations have the right to use their resources, sharing them with others, as well as to develop technologies for their effective use and preservation. The responsible distribution of the Earth's richness, in addition to just international trade and active humanitarian involvement, will help overcome the poverty and hunger suffered by billions of our brothers and sisters. Poverty and social vulnerability become the cause of mass migration generating more and more problems in both poor and rich countries. The concentration of the majority of the world's wealth in the hands of a few, while an enormous number of people, especially children, live in abject poverty, is a global tragedy. It will most definitely continue to destabilize the world, threatening global peace. We call upon all nations to return to a life of moderation, self-restraint and active justice. This will secure a hopeful future for upcoming generations and effectively function to cut the ground out from under the feet of extremists and terrorists.

The governments, religious communities and peoples of the world should work together to face the challenges of today, such as infectious disease epidemics, particularly AIDS, as well as drug addiction, and the proliferation of weapons of mass destruction. No country, regardless of wealth and power, can cope with these threats on its own. We are all interconnected and share a common destiny. This requires concerted and united action by all member States of the international community. Moreover, the spread of diseases is not a concern for doctors alone, and the dissemination of lethal technologies is not a problem for law-enforcers alone. These challenges should become a common concern for the whole society.

Interreligious dialogue should be maintained by the religious leaders and experts, and be enriched by the contribution of ordinary believers. It is inappropriate, and history shows that it is dangerous, for the actions of religious communities to be dictated by political interests. We also deplore attempts to artificially 'merge' the

religious traditions or to change them without the will of their adherents in order to bring them closer to secularism.

Our communities are also ready to develop dialogue with the adherents of non-religious views, with politicians, with all civil society structures, with international organizations. It is our hope that such a dialogue will continue, permitting religions to contribute to concord and understanding among nations, a common home founded on the truth, built according to justice, vivified by love and liberty. This dialogue should be conducted on an equal footing, in a responsible way and on a regular basis, with openness to any themes, without ideological prejudice. We believe that the time has come for a more systemic partnership of religious leaders with the United Nations.

Making a special appeal to all the believers, we urge them to respect and accept one another regardless of their religious, national or other differences. Let us help one another and all people of good will in building a better future for the entire human family. Let us preserve the peace given to us by the Almighty!